



# भारत का राजपत्र The Gazette of India

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No. 32]

NEW DELHI, SATURDAY, AUGUST 8, 1992/SRAVANA 17, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as  
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किये गये सांख्यिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than  
the Ministry of Defence)

काजिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 जुलाई, 1992

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 23rd July, 1992

का. आ. 2074—देशीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 क 2) की धारा-24 की उप-धारा 1(8) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए एवम् द्वारा बम्बई के एडवोकेट श्री पी. आर. नामजोशी और श्रीमती तेजा डी. कटदारे को विशेष न्यायालय (प्रतिभूतियों के लेनदेन से सम्बंधित अपराधों का परीक्षण) अध्यादेश, 1992 (1992 का 10) के अंतर्गत नियुक्त विशेष जज के समक्ष प्रतिभूति छोड़ने, बिना भुगताने संबंधी घोटाले, मांग-राशि छोड़ने तथा धण्डावार के संबंध में और/अथवा इससे उत्पन्न सभी मामलों के समाधान के प्रयोजन से और बम्बई के परीक्षण, अपील और पुनरीक्षण न्यायालयों में उससे संबंधित सभी मामलों के सुन्वावन के लिए विशेष लोक अभियोजक नियुक्त करती है।

SO 2074—In exercise of the powers conferred by Sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri P. R. Namjoshi and Smt. Teja D. Kaldare, Advocates, Bombay as Special Public Prosecutors for the purpose of conducting all cases arising out of and/or in connection with frauds, bills discounting frauds, call money frauds and corruption before the Special Judge appointed under the Special Court (Trial of Offences relating to Transactions in Securities) Ordinance, 1992 (No. 10 of 1992) and also for conducting all cases in connection therewith in trial, appellate and revisional Courts at Bombay.

[सं. 225/8/92—ए. सी. डी-II (ii)]

ए. सी. शर्मा, अवर सचिव

[No. 225/8/92-AVD II(ii)]

A. C. SHARMA, Under Secy.

नई दिल्ली, 29 जुलाई, 1992

क ऐन

का.प्र. 2075.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गृह (एस सी-ए) विभाग जी. ओ. धारटी 2644 दिनांक 29-7-92 द्वारा प्राप्त आन्ध्र प्रदेश राज्य सरकार का महमति में दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार भारतीय दण्ड संहिता को धारा 468 के साथ पठित धारा 120-बी, 428, 467, 471 के अन्तर्गत दण्डनीय अपराधों तथा इनके अन्तर्गत गणित एक या एक से अधिक अपराधों में संयोजित या उनसे संसक्त वृत्तरेणों अथवा प्रयत्नों और उन्हीं तथ्यों में उत्पन्न होने वाले जैसे ही सत्यवहार के अनुक्रम में किए गए किसी एक अथवा अल्प अपराधों अथवा केंद्रीय अन्वेषण ब्यूरो, हैदराबाद द्वारा पंजीकृत की जाने वाली शिकायत सं. 66/92 बी एन धार में उल्लिखित में, जेयर-शेख फाइनेंसियल सर्विसेज, हैदराबाद, इसके निदेशकों और कर्मचारियों द्वारा आन्ध्र प्रदेश राज्य में अभिकथित किए गए अपराधों, यदि कोई हों, के अन्वेषण के लिए संपूर्ण आन्ध्र प्रदेश राज्य पर करती है।

[सं. 228/39/92-ए बा. ओ. -II]

ए सी शर्मा, धर सचिव

New Delhi, the 29th July, 1992

G.O. 2075.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Andhra Pradesh vide Home (SC-A) Department G.O. Rt. No. 2644 dated 29-7-92 hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole State of Andhra Pradesh for investigation of offences punishable under Sections 120-B, 420, 467, 468, 471 read with 468 IPC and abetments or attempts in relations to or in connection with one or more of the offences mentioned herein and any other offence or offences alleged to have been committed in the course of the same transactions out of the same facts by M/s. Fair Growth Financial Services Limited, Hyderabad, its Directors and

[No. 228/39/92-AVD.II]

A. C. SHARMA, Under Secy.

वित्त मंत्रालय  
(राजस्व विभाग)

नई दिल्ली, 10 जुलाई, 1992

का.प्र. 2076.—प्रस्तावधारण की सूचना यह अधिसूचित किया जाता है कि निम्नलिखित संस्था/एग्रेसिएशन को तथा उसके नीचे उल्लिखित उसके कार्यक्रम को, आयकर नियमावली, 1962 के नियम 6-ए.सी के अन्तर्गत निर्धारित प्राधिकारी होने के नाते सचिव, पर्यावरण तथा वन मंत्रालय, भारत सरकार, नई दिल्ली द्वारा आयकर अधिनियम, 1961 की धारा 35-सी बी के प्रयोजनार्थ अनुमोदित किया गया है।

संस्था/एग्रेसिएशन का नाम

मैसर्स पूना जिला कुष्ठ समिति, "मनीषा" दूसरी मंजिल, प्लेट सं. 35, 2-ए—मोदी, पुणे-411001

"नवरोग तथा कृषि-शान्ति"

निर्धारित प्राधिकारी द्वारा (i) धारा 35-सी सी बी की उपधारा (2) के अन्तर्गत उक्त संस्था/एग्रेसिएशन के लिए तथा (ii) धारा 35-सी सी बी की उपधारा (1) के अन्तर्गत उक्त कार्यक्रम के लिए दिए गए दोनों अनुमोदन निम्नलिखित शर्तों के अध्वधीन रहते हुए दिनांक 1-1-1992 से तीन वर्षों की अवधि के लिए वैध होंगे।

- (i) पूना जिला कुष्ठ समिति, पुणे वन रोपण तथा कृषि-शान्ति विषयक कार्यक्रमों के लिए उसके द्वारा प्राप्त किए गए बातों का एक पृथक लेखा-प्रोखा रखेगी।
- (ii) उक्त समिति प्रत्येक वित्त वर्ष के लिए संरक्षण तथा वन-रोपण कार्यक्रमों की प्रगति रिपोर्ट निर्धारित प्राधिकारी के पास प्रत्येक वर्ष की 30 जून तक प्रस्तुत करेगी।
- (iii) उक्त सोसाइटी कुल धाय तथा वेनदारियों विषयक वार्षिक लेखों की दिनांक 30 जून तक निर्धारित प्राधिकारी के पास प्रस्तुत करेगी तथा इन प्रत्येक दस्तावेजों को एक-एक प्रति संबंधित आयकर आयुक्त के पास भेजेगी।
- (iv) यह अनुमोदन निर्धारित प्राधिकारी की निरंतर सतुष्टि के अध्वधीन है तथा यदि आवश्यक समझा गया तो इसे पूर्णतः प्रभाव से बाधित किया जा सकता है।

[सं. 9051/91 सं. 203/82/91-आयकर नि-2]

धरय कुमार धर सचिव

## MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 10th July, 1992

S.O. 2076.—It is notified for general information that the Institution/Association mentioned below and its programme given hereunder, have been approved by the Secretary, Ministry of Environment and Forests, Government of India, New Delhi, being the Prescribed Authority under the rule 6-AAC of the Income-tax Rules 1962, for the purposes of Section 35-CCB of the Income-tax Act, 1961.

Name of the Institution/Association

M/s. Poona District Leprosy Committee, 'Manisha' 2nd Floor, Flat No. 35, 2-A, Moledina Road, Pune-411001.

Programme

"Afforestation and Agro-forestry"

Both the approvals accorded by the Prescribed Authority namely (i) to the Institution/Association under sub-section (2) of Section 35-CCB and (ii) to the programme under sub-section (1) of the Section 35-CCB are valid for a period of three years with effect from 1-1-1992 subject to the following conditions:

- (i) Poona District Leprosy Committee, Pune shall maintain a separate account of the donations received by it for afforestation and agro-forestry activities.
- (ii) The Committee shall furnish programmes reports of the conservation and afforestation programmes to the prescribed authority for every financial year by 30th June every year.
- (iii) The society shall submit to the prescribed authority by the 30th June, annual accounts showing total income and liabilities and a copy of each of these documents send to the concerned Commissioner of Income-tax.

(iv) The approval is subject to the continued satisfaction of the prescribed authority and may be withdrawn with retrospective effect, if considered necessary.

[No 9051/F. No. 203/82/91 ITA-II]  
AJAY KUMAR, Under Secy.

प्रवेश

नई दिल्ली, 31 जुलाई, 1992

का. घा. 2073—भारत सरकार के संयुक्त सचिव ने, प्रिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन प्रवेश का. सं. 673/6/92-सी. गु.-8 तारीख 1-1-1992 यह निदेश देने हुए जारी किया गया था कि श्री एन. के. बापना पुत्र श्री यू. सी. बापना (1) 7-ई, हेमछाया, प्रायरन साइड रोड, बालीगंज, कलकत्ता तथा (ii) 4/1 मिडवे अपार्टमेंट्स, प्रभादेवी, बम्बई को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम बम में अभिरक्षा में रखा जाए ताकि उन्हे माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस अधीन, कलकत्ता के समक्ष हजरि हो।

[का. सं. 673/6/92-सी. गु.-8]

प्रार. देशिकन, प्रवर सचिव

### ORDER

New Delhi, the 31st July, 1992

S.O. 2077.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/6/92-Cus. VIII dated 1-1-1992 under the said sub-section directing that Shri N. K. Bapna, S/o U. C. Bapna (i) 7-E Hemchayt, Iron-Side Road, Ballygunge, Calcutta; (ii) 4/1, Midway Apartment, Prabhadevi, Bombay be detained and kept in custody in the Dum Dum Central Jail, Dum Dum, Calcutta with a view to preventing him from smuggling goods in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/6/92-Cus. VIII]  
R. DESIKAN, Under Secy.

प्रारंभिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 29 जून, 1992

का. घा. 2078.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत-य रिजर्व बैंक का सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उप-धारा (2) के उपखण्ड यूनियन बैंक ऑफ इंडिया पर 12 फरवरी, 1994 तक का प्रवर्धन तक उक्त सीमा तक लागू नहीं होगी जहाँ तक उनका संबंध बनारस स्टेट बैंक लि., वाराणसी के शेयरों की उसकी धारिता से है।

[सं. 15/3/90-बी. ओ.-III]

के. के. मंगल, प्रवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 29th June, 1992

S.O. 2078.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the Union Bank of India for a period upto 12th February, 1994 in so far as they relate to its holding of the shares of Benaras State Bank Limited, Varanasi.

[No. 15/3/90-B.O.III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 21 जुलाई, 1992

का. घा. 2079.—सार्वजनिक औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1984 का 62) की धारा 10 की उपधारा (1) के खण्ड (घ) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, बा. ए. के. भट्टाचार्य, अध्यक्ष और संबंध निदेशक, यूनाइटेड बैंक ऑफ इंडिया लि., भारतीय औद्योगिक पुनर्निर्माण बैंक के निदेशक के रूप में नामित करती है।

[संख्या एक-7/1/92-बी. ओ.-1]

एम.एस. सीथारामन, प्रवर सचिव

New Delhi, the 21st July, 1992

S.O. 2079.—In pursuance of sub-clause (iii) of clause (d) of sub-section (1) of section 10 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984) the Central Government hereby nominates Dr. A. K. Bhattacharya, Chairman and Managing Director, United Bank of India, Calcutta, as a Director of the Industrial Reconstruction Bank of India.

[No. 7/8/92-B.O.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 24 जुलाई, 1992

का. घा. 2080.—औद्योगिक वित्त नियम अधिनियम, 1948 (1948 का 15) की धारा 2 के खण्ड (ग) के उपखण्ड (XVI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सड़कों के विकास, रख-रखाव और निर्माण को उक्त उपखण्ड के प्रयोजनों के कार्य-कलाप के रूप में विनिर्दिष्ट करती है।

[एक. सं. 1(70)/89-आई. एक.-1]

एच. एन. कुमार, निदेशक

New Delhi, the 24th July, 1992

MINISTRY OF COMMERCE

New Delhi the 21st July 1992

S.O. 2080.—In exercise of powers conferred by sub-clause (xvi) of clause (c) of Section 2 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government hereby specifies the development, maintenance and construction of roads as an activity for the purposes of the said sub-clause.

[F. No. 1(76)/89/IF-I]  
H. S. KUMAR, Director

वाणिज्य मंत्रालय

नई दिल्ली, 21 जुलाई, 1992

का. भा. 2081.—केन्द्रीय सरकार, निर्यात (कमालिटो निर्यात और निरीक्षण) अधिनियम, 1963 (1963 का 22) का धारा 7 को उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स परा-पू-टिक्स केमिकल रिसर्च कॉर्पोरेशन, हनोब नैसन, 22 ग्रे स्ट्रीट, मद्रास-600001 को यहाँ उल्लेखित अनुबन्धों में निर्दिष्ट गैर-जल तथा अधस्का ग्रुप-1 व ग्रुप-2 का निर्यात से पूर्व निरीक्षण करने के लिए तारीख 10 मई, 1991 से तीन वर्षों के अवधि के लिए इन शर्तों के अधीन अभिकरण के रूप में मान्यता देता है, कि उक्त अभिकरण खनिज तथा अधस्का ग्रुप-1 व ग्रुप-2 के निर्यात (निरक्षण) नियम, 1965 के नियम 4 के उपनियम (4) के द्वारा निर्यात निरीक्षण परिपक्व के फिर्स की अधिकारों का निरीक्षण प्रमाण-पत्र जारी करने के लिए उक्त अभिकरण द्वारा अनिवार्य रूप से निरीक्षण प्रमाण-पत्र को जारी करने के लिए पर्याप्त सुविधा देता है।

अनुबन्ध

खनिज तथा अधस्का (ग्रुप - I)

1. मैंगनीज अधस्का, मैंगनीज बाक्साइट सहित
3. आयरन अधस्का,
3. फेरोमैंगनीज स्लेग सहित।
4. बाक्साइट, कैल्सिड बाक्साइट सहित।

खनिज तथा अधस्का (ग्रुप-II)

1. मैंगनीज बाक्साइट,
2. कोम अधस्का, कोम लून सहित,
3. कायनाइट,
4. सिलिमनाइट,
5. संकेन्द्रित जिंक सहित कच्चा जिंक,
6. परिवर्ध और निर्यात मैंगनीसाइट सहित मैंगनीसाइट,
7. बेराइट्स,
8. लाल आक्साइट,
9. पीला गेरिक,
10. सेलैण्डो,
11. स्पीट (फैल्डस्पार)।

[फाइल सं. 5(11)/88-ई आई एण्ड ई पा ]]

कुमारो सुमा सुबबाना, निदेशक

S.O. 2081.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years with effect from 10th May, 1991 M/s. Therapeutics Chemical Research Corporation, Hamid Mansion, 27, More Street, Madras-600001 as an agency for inspection of the Minerals and Ores Group-I and Group-II specified in schedule annexed hereto, prior to export, subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export of Minerals and Ores Group-I and Group-II (Inspection) Rules, 1965.

SCHEDULE

MINERALS AND ORES GROUP-I

1. Manganese Ore, excluding manganese dioxide.
2. Iron Ore.
3. Ferromanganese including ferromanganese slag.
4. Bauxite including calcined bauxite.

MINERALS AND ORES GROUP-II

1. Manganese Dioxide.
2. Chrome Ore, including chrome concentrates.
3. Kyanite.
4. Sillimanite.
5. Zinc Ores, including zinc concentrates.
6. Magnesite, including dead-burnt and calcined magnesite.
7. Barytes.
8. Red Oxide.
9. Yellow Ochre.
10. Steatite.
11. Feldspar.

[File No. 5/11/88 EI&amp;EP]

Kum. SUMA SUBBANNA, Director

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 24 जुलाई, 1992

(पुरातत्व)

का. भा. 2082.—केन्द्रीय सरकार ने, भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) को अधिनियम सं. का. भा. 2243 तारीख 13 अगस्त, 1991 द्वारा, जो भारत के राजपत्र में तारीख 24 अगस्त, 1991 में प्रकाशित का गये था। उक्त अधिनियम को अनुबन्धों में निर्दिष्ट संस्मारकों को राष्ट्रीय महत्व का घोषित करने के अनिवार्यता को दो मातृका तृतीय व चौथा और उक्त अधिनियम का एक प्रति उक्त संस्मारकों के संबंधित सूचना सूचना पर लगाया गये था ;

और उक्त राजपत्र 10 सितम्बर, 1991 को जारी की जातक जातक करा दिया गया था ;

और केन्द्रीय सरकार को ज्ञात है कि कोई भी अधिकार प्राप्त नहीं हुआ था। अतः अब, केन्द्रीय सरकार प्राकृतिक संस्मारकों तथा पुरातत्त्विक स्थलों और प्राचीन अधिनियम, 1958 (1958 का 24) का धारा 4 का उपधारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपलब्ध अनुबन्धों में निर्दिष्ट प्राचीन संस्मारकों को राष्ट्रीय महत्व का घोषित करता है।

## अनुसूची

| राज्य         | जिला    | परिक्षेत्र            | संस्मारक का नाम | संरक्षण के लिए<br>घासित किए जाने वाले<br>राजस्व प्लॉट संख्या | क्षेत्र   | सीमाएं  |
|---------------|---------|-----------------------|-----------------|--|-----------|---|
| 1             | 2       | 3                     | 4               | 5  | 6         | 7   |
| पश्चिमी बंगाल | कलकत्ता | स्ट्रैंड रोड, कलकत्ता | मेटकाल्फ हॉल    | म्युनिसिपल सं. 12<br>(ब्लॉक सं. 23<br>राजस्व धूमि सं. 20)    | 0.70 एकड़ | उत्तर—देवगुड्रीट<br>पूर्व—चर्चलेन में म्युनिसिपल सं.<br>1/1 से 1/8 तक।<br>उत्तर—चर्चलेन में म्युनिसिपल सं.<br>3।<br>पश्चिम—स्ट्रैंड रोड |

| स्वानिरव  | टिप्पणियाँ |
|---|------------|
| 8   | 9          |
| कृषि उद्यान सोसाइटी और कलकत्ता पब्लिक पुस्तकालय |            |

[क्र.सं. 2/20/89-ए.म.]

एन.सी. जोशी, महातिरेक

DEPARTMENT OF CULTURE  
(ARCHAEOLOGICAL SURVEY OF INDIA)  
New Delhi, the 24th July, 1992  
(ARCHAEOLOGY)

SO 2082.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 2243, dated the 13th August, 1991 published in the Gazette of India on the 24th August, 1991. The Central Government gave two months' notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance and

a copy of the notification was affixed in a conspicuous place near the said monument;

And whereas the said Gazette was made available to the public on 16th September, 1991;

And whereas no objections from the public has been received by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto, to be of national importance.

## SCHEDULE

| State       | District | Locality              | Name of Monument | Revenue plot No. included under protection              | Area       | Boundaries  | Ownership   | Remark |
|-------------|----------|-----------------------|------------------|---|------------|---|---|--------|
| 1           | 2        | 3                     | 4                | 5   | 6          | 7   | 8   | 9      |
| West Bengal | Calcutta | Strand Road, Calcutta | Metcalfe Hall    | Municipal No. 12 (Block No. 23, Revenue Holding No. 20) | 0.70 Acres | North : Hare Street.<br>East : Municipal Nos. 1/1 to 1/8 of Church Lane<br>South : Municipal No. 3 of Church Lane.<br>West : Strand Road. | Agri-Horticulture Society and Calcutta Public Library |        |

[No. 2/20/89-M]  
M.C. JOSHI, Director General

ग्रामीण विकास मंत्रालय  
(विपणन एवं निरीक्षण निदेशालय)  
फरीदाबाद, 7 जुलाई, 1992

या.आ. 2083—साधारण श्रेणीकरण तथा चिन्हांकन नियमावली, 1988 के अधीन भुगतो प्रदत्त शक्तियों का प्रयोग करते हुए मैं, ओ.पी. बिहारी, कृषि विपणन सलाहकार, भारत सरकार एन्ड्रोगा कालम (1) में उल्लिखित नियमों के अनुसार पश्चिम बंगाल राज्य में घरेलू मंडी के लिए कृषि उत्पाद (श्रेणीकरण और चिन्हांकन) अधिनियम 1937 (1937 का 1) के अधीन निर्धारित श्रेणी अभिधानों तथा श्रेणीकरण और चिन्हांकन नियमावली के अनुसार कृषि तथा अन्य उत्पादों के श्रेणीकरण और चिन्हांकन करने के संदर्भ में कालम (3) में विनिर्दिष्ट राज्य सरकार के अधिकारियों को कालम (2) में यथा उल्लिखित अधिकारों का प्रयोग करने का अधिकार देना हूँ।

| साधारण श्रेणीकरण एवं चिन्हांकन नियमावली 1988 का संदर्भ नियम | प्रदान की गई शक्तियाँ  | राज्य अधिकारी का पदनाम  |
|---|--|---|
| 1   | 2  | 3   |
| नियम 3(4)   | घरेलू श्रेणीकरण हेतु प्राधिकरण प्रमाण पत्र की मंजूरी के लिए आवेदन पत्र प्राप्त करना।   | 1. विपणन निदेशक तथा पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल, कलकत्ता।<br>2. कृषि (विपणन) उप निदेशक (संबंधित क्षेत्र)।                   |
| नियम 3(5)   | आवेदक की सहायता के स्थापन की व्यवस्था करना, परिसरों, प्रयोगशाला, संसाधन इकाईयों के निरीक्षण की व्यवस्था करना तथा घरेलू श्रेणीकरण हेतु प्राधिकरण प्रमाण पत्र प्रदान करने हेतु सिफारिश करना। | 1. विपणन निदेशक तथा पदेन कृषि (विपणन) प्रतिरिक्त निदेशक, पश्चिम बंगाल।<br>2. कृषि (विपणन) उपनिदेशक (संबंधित क्षेत्र)।<br>3. निदेशालय का रसायनज्ञ। |
| नियम 4  | विकेन्द्रित श्रेणीकरण के संदर्भ में प्राधिकरण प्रमाणपत्र का नवीनीकरण करना।   | 1. विपणन निदेशक तथा पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल, कलकत्ता।<br>2. कृषि (विपणन) उप निदेशक (संबंधित क्षेत्र)।                   |
| नियम 5(2)   | एगमार्क श्रेणीकरण के लिए निजी वाणिज्यिक प्रयोगशाला को धन-मोहन की सिफारिश करना।   | 1. कृषि (विपणन) उप निदेशक (संबंधित क्षेत्र)।<br>2. विपणन निदेशक तथा पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल, कलकत्ता।                   |
| नियम 12   | विकेन्द्रित श्रेणीकरण के बारे में श्रेणी अभिधान चिन्हों को जारी करना अथवा प्रयोग को रोकना।   | विपणन निदेशक एवं पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल।   |
| नियम 14   | किसी भी अनुसूचित वस्तु के बारे में सूचना, रिपोर्ट विवरणों प्राप्त करना।  | 1. विपणन निदेशक एवं पदेन प्रतिरिक्त कृषि (विपणन) निदेशक पश्चिम बंगाल।<br>2. कृषि (विपणन) उप निदेशक<br>3. जिला अधिकारीगण।                          |
| नियम 3(8)(ख)  | प्राधिकृत श्रेणीकरण परिसरों का निरीक्षण करना तथा यह सुनिश्चित करना कि विकेन्द्रित वस्तुओं का श्रेणीकरण एवं चिन्हांकन सही रूप में किया गया है।  | 1. विपणन निदेशक एवं पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल।<br>2. कृषि (विपणन) उप निदेशक।<br>3. निदेशालय का रसायनज्ञ।                  |
| नियम 3(8)(ग)  | विकेन्द्रित श्रेणीकरण के प्राधिकृत पैकर द्वारा रखे गए टिकाड़े को जाँच करना।  | 1. विपणन निदेशक एवं पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल।<br>2. कृषि (विपणन) उप निदेशक।<br>3. जिला अधिकारीगण।                        |
| नियम 3(8)(घ)  | श्रेणी अभिधान चिन्ह धरो हुए किसी पैकेज को खोलना तथा निरीक्षण करना तथा किसी भी श्रेणीकृत उत्पाद का नमूना लेना भरात सभी नमूनों के लिए संशय किया जायेगा।                                      | 1. विपणन निदेशक एवं पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल।<br>2. कृषि (विपणन) उप-निदेशक   |
| नियम 3(8)(ङ)  | यदि विकेन्द्रित श्रेणीकरण के अंतर्गत आने वाली कोई भी श्रेणीकृत वस्तु निर्धारित श्रेणी चिन्हों के अनुरूप नहीं है तो उसके श्रेणी अभिधान चिन्ह का हटाना या उसे मिटा देना।                     | विपणन निदेशक एवं पदेन प्रतिरिक्त कृषि (विपणन) निदेशक, पश्चिम बंगाल।   |

## MINISTRY OF RURAL DEVELOPMENT

(Directorate of Marketing &amp; Inspection)

Faridabad, the 7th July, 1992

**S.O.2083.** :—In exercise of the powers conferred on me under the General Grading and Marking Rules, 1988, I, O.P. Behari, Agricultural Marketing Adviser to the Government of India hereby delegate, in pursuance of the rules cited in column (1), authority to exercise the powers as specified in column (2), to the officers of the State Government specified in column (3), in respect of grading and marking of agricultural and other produce in accordance with the grade designations and the Grading and Marking Rules prescribed under the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937) for domestic market in the State of West Bengal.

## SCHEDULE

| Reference rule of the GGM Rules, 1988 | Powers delegated  | Designation of the State Officer   |
|---------------------------------------|---|--|
| (1)                                   | (2)   | (3)  |
| Rule 3(4)                             | To receive the application for grant of Certificate of Authorisation for domestic grading;  | (1) Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing), West Bengal for Calcutta.<br>(2) Deputy Director of Agriculture (Marketing) concerned Range.                      |
| Rule 3(5)                             | To arrange for verification of bonafides of the applicant and inspection of the premises Laboratory, processing units and to recommend grant of C.A. for domestic grading;    | (1) Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing) West Bengal.<br>(2) Deputy Director of Agriculture (Marketing) concerned Range.<br>(3) Chemist of the Directorate. |
| Rule 4                                | To renew the Certificate of Authorisation in respect of de-centralised grading;   | (1) Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing), West Bengal for Calcutta.<br>(2) Deputy Director of Agriculture (Marketing) concerned Range.                      |
| Rule 8(2)                             | To recommend approval of private commercial laboratory for Agmark grading.  | (1) Deputy Director of Agriculture (Marketing) concerned Range.<br>(2) Director of Marketing and Ex-officio Additional Director of Agriculture (Marketing), West Bengal for Calcutta.                    |
| Rule 12                               | To withhold issue or use of grade designation marks in respect of de-centralised grading;   | Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing) West Bengal.   |
| Rule 14                               | To obtain information, report return in respect of any of the Scheduled articles;   | (1) Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing), West Bengal,<br>(2) Deputy Director of Agriculture (Marketing).<br>(3) District Officers.                         |
| Rule 3,8(h)                           | To inspect the authorised grading premises and to ascertain that grading and marking of de-centralised commodities is correctly performed;                                    | (1) Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing); West Bengal.<br>(2) Deputy Director of Agriculture (Marketing).<br>(3) Chemist of the Directorate.                |
| Rule 3(8)(c)                          | To examine the record maintained by the authorised packers of de-centralised grading;   | (1) Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing), West Bengal.<br>(2) Deputy Director of Agriculture (Marketing).<br>(3) District Officers.                         |
| Rule 3(8)(d)                          | To open and inspect any package bearing grade designation mark and to take samples of any graded produce provided all samples shall be paid for.                              | (1) Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing), West Bengal.<br>(2) Deputy Director of Agriculture (Marketing).   |
| Rule 3(8)(e)                          | To cancel or to remove the grade designation mark from any graded article covered under decentralised grading if found not conforming to the prescribed grade specifications. | Director of Marketing & Ex-officio Additional Director of Agriculture (Marketing), West Bengal.  |

मानव संसाधन विकास मन्त्रालय  
(महिला एवं बाल विकास विभाग)

नई दिल्ली, 29 जून, 1992

afternoon of the 29th May, 1992, that is the date from which she assumed the charge of the said Office".

[No. F. 9-61/90-W. W.]

MEENAXI ANAND CHAUDHRY, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय  
(स्वास्थ्य विभाग)

नई दिल्ली 20 जुलाई, 1992

अ.सं. 2084:—राष्ट्रीय महिला आयोग अधिनियम, 1990 (1990 का 20) की धारा 3 के अनुसूचन में केन्द्र सरकार द्वारा ऐन प्रसाद को सुश्री उमा पिल्लै के स्थान पर राष्ट्रीय महिला आयोग के सदस्य-सचिव के रूप में एड्डाया 29 मई, 1992 में नामित करना है और इस प्रयोजनार्थ भारत के राजपत्र, भाग-II, खण्ड-3, उपखण्ड (ii) दिनांक 31 जनवरी, 1992 में प्रकाशित भारत सरकार, मानव संसाधन विकास मन्त्रालय (महिला एवं बाल विकास विभाग) को दिनांक 31 जनवरी, 1992 का अधिसूचना सं. सं. 11. 100 (ई) में निम्नानुसार संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में,—

(क) क्रम सं. 7 और संबंधी प्रविष्टियों का, निम्नलिखित से प्रतिस्थापित किया जाए, अर्थात्:—

“7. सुश्री ऐनो प्रसाद  
भा.प्र.सं. (जी.जे. 83)  
गुजरात भवन, चाणक्यपुरी,  
नई दिल्ली।”

—सदस्य सचिव”

(ख) पैरा 2 में “सुश्री उमा पिल्लै, संयुक्त सचिव (महिला विकास)” से प्रारम्भ होकर “तान वर्मा से अनन्तरिक” पर समाप्त होने वाले हिस्से का, निम्नलिखित से प्रतिस्थापित किया जाए, अर्थात्:—  
“सुश्री ऐनो प्रसाद 29 मई, 1992 के आदेशानुसार से, अर्थात् जिस तारखे से उन्होंने उक्त पद का कार्यभार ग्रहण किया है, तान वर्मा की अवधि के लिए सदस्य-सचिव के पद पर रहेंगी”।

[फा.सं. 9-61/90-डब्ल्यू.डब्ल्यू.]

मीनक्सा आनन्द चौधरी, संयुक्त सचिव

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Women and Child Development)

New Delhi, the 29th June, 1992

S.O. 2084.—In pursuance of section 3 of the National Commission for Women Act, 1990 (20 of 1990), the Central Government hereby nominates, with effect from the 29th May, 1992, Ms. Annie Prasad as Member-Secretary of the National Commission for Women vice Ms. Uma Pillai and for that purpose makes the following amendment in the notification of the Government of India in the Ministry of Human Resource Development (Department of Women and Child Development) number S. O. 100(E), dated the 31st January, 1992 published in the Gazette of India, Extra-ordinary, Part-II, Section 3, Sub-section (ii) dated the 31st January, 1992, namely:—

In the said notification:—

(a) for serial number 7 and entries relating thereto, the following shall be substituted namely:—

“7. Ms. Annie Prasad IAS (G.J. 63) Govt at Bhawan Chankyapuri, New Delhi. —Member-Secretary”;

(b) in paragraph 2, for the portion beginning with “Ms. Uma Pillai, Joint Secretary (Women Development)” and ending with “not exceeding three years”, the following shall be substituted, namely:—

“Ms. Annie Prasad shall hold the Office of Member-Secretary for a period of three years from the

का. अ. 2085:—केन्द्रीय सरकार भारतीय आनुवंशिक परिसर अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के अनुसूचन में भारत सरकार के प्रमुख स्वास्थ्य मंत्रालय का अधिसूचना संख्या फा. सं. 138 तारीख 9 जनवरी, 1992 का निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित सीपिक को नीचे:—

(1) क्रम संख्यांक 4 के साथी को प्रविष्टियां के साथ पर निम्नलिखित प्रविष्टियां रखी जाएंगी अर्थात्:—

“4 डा. ए. एन कुलकर्णी, कर्नाटक विश्वविद्यालय  
आचार्य और विकास, विद्या विभाग  
का अध्यक्ष  
कर्नाटक विश्वविद्यालय  
हुगली।”

(3) क्रम संख्यांक 47 के साथी को प्रविष्टियां के साथ पर निम्नलिखित प्रविष्टियां रखी जाएंगी अर्थात्:—

“47 डा. एन. के. वैद्य, हिमाचल प्रदेश  
प्रधानाचार्य-उद्-निदेशक  
आई. जी. एम. महाविद्यालय,  
शिमला।”

(3) क्रम संख्यांक 60 के परवात् निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी अर्थात्:—

“70 डा. एम. जी. मुकुन्दमल्लिकार्जुन, अमरावती  
प्रधानाचार्य  
राजा मुण्डियाह, आनुवंशिक मश्विद्यालय,  
अमरावती नगर।”

[सं. पी. 11013/18/89-एम. ई. यू.जी.]

आर. विजयकुमारी, ईस्क अधिकारी

## MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 20th July, 1992

S.O. 2085.—In pursuance of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely:—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3”,

(1) against serial number 4, for the entries the following entries shall be substituted, namely:—

“4. Dr. A.M. Kulkarni,  
Prof. & Head of Deptt. of  
Orthopaedics,  
Karnataka University,  
Hosbali.”

Karnatak  
University



(2) against serial number 47, for the entries the following entries shall be substituted, namely :—

"47. Dr. N. K. Vaidya  
Principal-cum-Director,  
IGM College, Shimla,  
Himachal Pradesh  
University

(3) after serial number 69, the following serial number and entries shall be added, namely :—

"70. Dr. M. G. Muthukumaraswamy,  
Principal,  
Rajah Muthiah Medical College Annamalai  
Annamalai Nagar." University

[No. V. 11013/2/92-ME(UG)]

R. VIJAYAKUMAR, Desk Officer

नई दिल्ली 20 जुलाई, 1992

का० आ० 2086.— केन्द्रीय सरकार, भारतीय आयु-  
विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की  
उपधारा (1) के अनुमरण में भारत सरकार के तत्कालीन स्वास्थ्य  
मंत्रालय की अधिसूचना सं० का० आ० 138 तारीख 9 जनवरी 1960  
का निम्नलिखित और संशोधन करती है अर्थात्:—

उक्त अधिसूचना में धारा 3 की उपधारा (1) के खंड (ख) के  
अधीन निर्वाचित शीर्षक के नीचे:—

(1) क्रम संख्यांक 24 के सामने की प्रविष्टियों के स्थान पर निम्नलिखित  
प्रविष्टियां रखी जाएंगी अर्थात्:—

"24 डा० (कु०) जयश्री पी० मेहता,  
आर-3 डाक्टरों क्वार्टर्स  
इंदिरा एवेन्यू,  
वदोदरा।

(2) क्रम संख्यांक 39 के सामने की प्रविष्टियों के स्थान पर निम्नलिखित  
प्रविष्टियां रखी जाएंगी अर्थात्:—

"39 डा० आर० एम० त्रिपाठी,  
सहायक आचार्य,  
सामाजिक और निवारक आयुर्विज्ञान विभाग,  
एम० के० सी० जी०, मेडिकल कालेज,  
बृहमपुर-760 004

(3) क्रम संख्यांक 44 के सामने की प्रविष्टियों के स्थान पर निम्नलिखित  
प्रविष्टियां रखी जाएंगी अर्थात्:—

"44 डा० (श्रीमती) ऊषा शर्मा,  
प्रधानाचार्य  
एम० एल० आर० एम० मेडिकल कालेज,  
मेरठ।

[सं० वी० 11013/2/92-(एम० ई०) (यू० जी०)]  
आर० विजयकुमारी, डेस्क ऑफिसर

New Delhi, the 20th July, 1992

S.O. 2086.—In pursuance of sub-section (1) of section 3  
of the Indian Medical Council Act, 1956 (102 of 1956), the  
Central Government hereby makes the following further  
amendments in the notification of the Government of India  
in the erstwhile Ministry of Health, No. S.O. 138, dated  
the 9th January, 1960, namely :—

In the said notification under the heading 'Elected under  
clause (b) of sub-section (1) of section 3',

(1) against serial number 24, for the entries the following  
entries shall be substituted, namely :—

"24. Dr. (Miss) Jayshree P. Mehta,  
R. 3, Doctor's Quarters,  
Indira Avenue,  
VADODARA."

(2) against serial number 39, for the entries the following  
entries shall be substituted, namely :—

"39. Dr. R. M. Tripathy,  
Asst. Professor,  
Department of Social and Preventive Medicine,  
M.K.C.G. Medical College,  
Berhampur-760004",

(3) against serial number 44, for the entries the following  
entries shall be substituted, namely:—

"44. Dr. (Smt.) Usha Sharma,  
Principal,  
LLRM Medical College,  
Meerut."

[No. V. 11013/2/92-ME(UG)]

R. VIJAYAKUMARI, Desk Officer

नई दिल्ली, 21 जुलाई, 1992

का० आ० 2087.— औषध और प्रसाधन सामग्री अधि-  
नियम, 1940 (1940 का 23) की धारा 20 की उपधारा (2) द्वारा  
प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा डा०  
(श्रीमती) सुदर्शन कुमारी, उप-निदेशक मृदम जीव विज्ञान प्रभाग, राष्ट्रीय  
संचारी रोग संस्थान, दिल्ली को औषध और प्रसाधन सामग्री अधिनियम,  
1940 के अधीन घटकों सहित मानव रक्त और मानव रक्त उत्पादों की  
एच० आई० वी० प्रतिपिण्डों से रहित होने की जांच करने के लिए समस्त  
भारत के लिए सरकारी विश्लेषक के रूप में नियुक्त करती है।

[सं० एक्स. 11014/4/89-डीएमएस एड पी० एफ० ए०]

आर० एम० माथुर, अवर सचिव

New Delhi, the 21st July, 1992

S.O. 2087.—In exercise of the powers conferred by Sub-  
section (2) of Section 20 of the Drugs and Cosmetics Act,  
1940 (23 of 1940), the Central Government hereby appoints  
Dr. (Mrs.) Sudharshan Kumari, Deputy Director, Microbio-  
logy Division, National Institute of Communicable Diseases,  
Delhi, to be Government Analyst for the whole of India for  
the testing of Human blood and Human blood products  
including components to test for freedom from HIV-Anti-  
bodies under the Drugs & Cosmetics Act, 1940.

[No. X. 11014/4/89-DMS&PFA]

R. S. MATHUR, Under Secy.

सूचना और प्रसारण मंत्रालय

शुद्धि पत्र

नई दिल्ली, 24 जुलाई, 1992

का० आ० 2088.— फिल्म प्रमाणन अपील अधिकरण  
के पुनर्गठन के संबंध में दिनांक 24-2-92 के भारत के असाधारण  
राजपत्र के भाग II खंड-3 उपखंड (ii) का० आ० 152 (ई) में  
प्रकाशित भारत सरकार के सूचना और प्रसारण मंत्रालय की दिनांक  
24-2-1992 की अधिसूचना सं० 816/2-90-एफ (सी) में  
के लिए: 'अंक तथा शब्द "5 श्रीमती रीना कुमारी / सामाजिक कार्य-  
कर्त्ता, नई दिल्ली ..... सदस्य",  
पढ़ा जाए: "5 श्रीमती युवराणी रीना कुमारी 1-ए विनाप राँकी स्ट्रीट,  
लखनऊ (उ० प्र०) ..... सदस्य"।

[फाइल सं० 816/2/90—एफ (सी)]

एम० एस० सेठी, डेस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING  
CORRIGENDUM

New Delhi, the 24th July, 1992

S.O. 2088.—In the Notification of the Government of India in the Ministry of Information and Broadcasting No. 816/2/90-F(C) dated 24-2-92 published as S.O. 152(E) in the Extraordinary Gazette of India, Part II Section 3 Sub-section (ii) dated 24-2-92, regarding reconstitution of the Film Certification Appellate Tribunal,

For the figure and words "5. Smt. Reena Kumari, Social Worker, New Delhi....Member",

read "5. Smt. Yuvarani Reena Kumari, 1-A Bishop Rocky Street, Lucknow (U.P.)....Member".

[F. No. 816/2/90-F(C)]

M. S. SETHI, Desk Officer

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 31 जुलाई, 1992

का० धा० 2989.—केन्द्र सरकार या दिल्ली की मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की सूचना के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में किसी व्यक्ति को यदि कोई आपत्ति हो/कोई सुझाव देना हो तो वह अपनी आपत्ति/सुझाव इस सूचना के जारी होने की तारीख से 30 दिनों की अवधि के अंदर सचिव दिल्ली विकास प्राधिकरण, विकास भवन "बी" ब्लॉक, आई० एन० ए०, नई दिल्ली को लिखित रूप में भेज सकता है। आपत्ति करने/सुझाव देने वाला व्यक्ति अपना नाम और पता भी दे।

संशोधन :

ज़ोन डी-3 में पड़ने वाले और उत्तर में भगवान दाम रोड से पूर्व में मथुरा रोड से, दक्षिण में निलक लेन गवर्नमेंट क्वार्टर्स के सविम रोड से और पश्चिम में भारतीय विधि संस्थान से घिरे लगभग 7611.62 वर्ग मीटर क्षेत्र के भूमि उपयोग को "आवासीय" से "सरकारी उपयोग (गवर्नमेंट स्क्वयर)" में परिवर्तित करने का प्रस्ताव है जिसके साथ निम्नलिखित शर्तें होगी—

(क) अधिकतम भूमि कवरेज 25 प्रतिशत और एफ० ए० धारा 100,

(ख) प्रति 100 वर्ग मीटर निर्मित क्षेत्र पर 3 कार के स्थान की पूर्ति सुविधा और

(ग) नए बनने वाले भवनों की ऊँचाई आग-राम के भवनों के अनुरूप होगी।

2. प्रस्तावित संशोधन को, वर्णित वाला नक्शा निरीक्षण के लिए उक्त अवधि के अन्दर सभी कार्य-विमो को उप निदेशक, मुख्य योजना अनुभाग, छठी मजिल विकास भवन आई० पी० एम्पेट, नई दिल्ली के कार्यालय में उपलब्ध होगा।

[सं० एफ-20 (6) 84-एम. पी०]

रणधीर सिंह, सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 31st July, 1992

S.O. 2089.—The following modification which the Central Government proposes to make in the Master Plan/Zonal Development Plan for Delhi, is hereby published for public in-

formation. Any person having any objection/suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, I.N.A., New Delhi within a period of 30 days from the date of issue of this notice. The person making the objection/suggestion should also give his name and address.

MODIFICATION :

"The land use of an area measuring about 7611.62 sqm. falling in zone D-3 and bounded by Bhagwan Dass Road in the North, Mathura Road in the East Service Road of Tilak Lane Govt. Quarters in the South and Indian Law Institute in the West, is proposed to be changed from 'residential' to 'Governmental use' (Lawyer's Chamber), subject to (a) Maximum ground coverage 25 per cent and FAR 100(b) Parking facility @ 3 car spaces per 100 sqm. built up area and (c) the height of the new buildings to come up is to be in harmony with the surrounding buildings."

2. The plan indicating the proposed modification will be available for inspection at the office of Deputy Director, Master Plan Section, 6th floor, Vikas Minar, I.P. Estate, New Delhi on all working days within the period referred above.

[No. F. 20(6)/84-MP]  
RANBIR SINGH, Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 जुलाई, 1992

का. धा. 2090.—यतः केन्द्रीय सरकार की यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गड़वान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आदेश एतद्वारा वर्णित किया है।

वर्णित कि उक्त भूमि में हितवाह कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेकसी, सुभाष रोड, खेडली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा अक्षेप करने वाला हर व्यक्ति विनिश्चित. यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची :

बोरेरी गड़वान (जिला कोटा) पाइप लाइन  
राज्य : राजस्थान ; जिला : बारा ; तहसील : मांगरखेल

| नाम ग्राम    | क्षेत्रात्मक | हेक्टर | एयर | वर्ग मीटर |
|--------------|--------------|--------|-----|-----------|
| डाबरी काकाजी | 61           | —      | —   | 72        |
| "            | 64           | —      | 2   | 88        |
| योग :        | 02           | —      | 03  | 60        |

[सं. ओ-14016/1/92-जी पी०]

राजीव महर्षि, निदेशक

MINISTRY OF PETROLEUM & NATURAL GAS  
New Delhi, the 30th July, 1992

S.O. 2090.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas From H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub section ( ) of the Section 8 of the Petroleum and

minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Gadepan Gas Pipeline Project, Anand Bhawan Annexure, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Boreri to Gadepan  
ta                      than                      District : Baran                      Tehsil : Mangrol

| Village      | Survey No. | Hectare | Acre | Centiare |
|--------------|------------|---------|------|----------|
| Davri Kakaji | 61         | —       | —    | 72       |
|              | 64         | —       | 02   | 88       |
| Total        | 02         | —       | 03   | 60       |

[No. O-14016/1/92-GP]  
RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

अनुसूची

का. अ. 2091.—पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के भाग-2 के खंड (क) 3 के अनुसरण में केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कालम 1 में उल्लिखित किए अनुसार उक्त अधिनियम के अधीन "सक्षम प्राधिकारी" के रूप में कॉलम-3 में दी गई इलाकों के अनुसार उल्लिखित क्षेत्र में कार्य करने के लिए प्राधिकृत करती है।

| अधिनियम का नाम                  | पता  | अधिकार क्षेत्र                      |
|---------------------------------|--|-------------------------------------|
| विशेष सहस्रीलदार (आर.ओ.यू.) गैल | 3/709, नीला मेला, वदामपो की गली, नागपट्टिनम कैद हृष्ट मिलान जिला: तमिलनाडु | संपूर्ण तमिलनाडु राज्य और पांडिचेरी |

[सं. अ-14106/1/42जी. पी.]  
राजीव मेहरिषी, निदेशक

New Delhi, the 30th July, 1992

S.O. 2091.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act 1962 (50 of 1962) the Central Govt. hereby authorise the authority mentioned in Column 1 of the Schedule below to perform the functions of the "COMPETENT AUTHORITY" under the said Act within the areas mentioned in the corresponding entry in column 3 of the said Schedule.

SCHEDULE

| Name of Person                     | Address   | Territorial Jurisdiction                 |
|------------------------------------|---|--|
| 1                                  | 2   | 3  |
| Special Tehsildar (R.O.U.)<br>GAIL | 3/709, Nela Mela Vadampokki Street, Nagapattinam Quaid-E-Milleth District Tamilnadu | State of whole Tamilnadu and Pondicherry |

[No. O/14016/1/92/G.P.]  
RAJIV MEHRISHI, Director

## पेट्रोलियम और कैमिकल्स मंत्रालय

नई दिल्ली, 30 जुलाई, 1992

का. ओ. 2092—जबकि केन्द्र केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए टाटीपाका-काकीनाडा पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रजि र करने वाला कोई भी व्यक्ति मध्याह्न की तारीख में 21 दिन के भाग्य भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इण्डिया लिमि. के जी. वमीन प्रोजेक्ट, राजमंड्री-533 109, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विरोध रूप में निरिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

## अनुसूची

## टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

| जनपद         | तहसील | ग्राम  | सर्वे न.  | क्षेत्रफल<br>(हेक्टे./एकड़ में) | विवरण        |
|--------------|-------|--------|-----------|---------------------------------|--------------|
| ईस्ट गोदावरी | काशपा | बेलागी | 184/2 भाग | 0.06.0                          | कम या ज्यादा |
|              |       |        | 183 "     | 0.14.0                          | "            |
|              |       |        | 175 "     | 0.07.5                          | "            |
|              |       |        | 176/4 "   | 0.05.5                          | "            |
|              |       |        | 174/4 "   | 0.01.0                          | "            |
|              |       |        | 174/2 "   | 0.12.5                          | "            |
|              |       |        | 174/1 "   | 0.02.0                          | "            |
|              |       |        | 165 "     | 0.01.0                          | "            |
|              |       |        | (जी.पी.)  |                                 |              |
|              |       |        | 163/2 "   | 0.09.0                          | "            |
|              |       |        | 161/1 "   | 0.07.0                          | "            |
|              |       |        | 160 "     | 0.09.5                          | "            |
|              |       |        | 154/5 "   | 0.11.0                          | "            |
|              |       |        | 134 "     | 0.04.0                          | "            |
|              |       |        | (जी.पी.)  |                                 |              |
|              |       |        | 133/1 "   | 0.05.5                          | "            |
|              |       |        | 126 "     | 0.01.0                          | "            |
|              |       |        | (जी.पी.)  |                                 |              |
|              |       |        | 123/4 "   | 0.07.5                          | "            |
|              |       |        | 121/8 "   | 0.10.5                          | "            |
|              |       |        | 121/7 "   | 0.01.0                          | "            |
|              |       |        | 121/10 "  | 0.05.0                          | "            |
|              |       |        | 121/1 "   | 0.01.5                          | "            |
|              |       |        | 122/2 "   | 0.02.5                          | "            |
|              |       |        | कुल       | 1.24.5                          | हेक्टे.      |

अनुसूची  
टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

| जनपद         | तहसील | ग्राम  | सर्वे नं. | क्षेत्रफल<br>(हेक्टे./एकड़ में) | विवरण        |
|--------------|-------|--------|-----------|---------------------------------|--------------|
| ईस्ट गोदावरी | काशपा | वेलंगी | बो. एक.   | 1. 24. 5                        | कम या ज्यादा |
|              |       |        | 122/1 भाग | 0. 16. 5                        | ,            |
|              |       |        | 101 "     | 0. 01. 0                        | "            |
|              |       |        | (जी.पी.)  |                                 |              |
|              |       |        | 105/2 "   | 0. 11. 0                        | "            |
|              |       |        | 109 "     | 0. 60. 0                        | "            |
|              |       |        | कुल       | 1. 59. 0                        | हेक्टे.      |

[सं. ओ. 14016/1/92-जी.पी.]  
राजीव महर्षि, निदेशक

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 30th July, 1992

S.O. 2092.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Tatipaka-Kakinada pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-Section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE  
TATIPAKE-KAKINADA GAS PIPE LINE PROJECT  
ENDAMURU—ODORU  
(BRANCH LINE)

| District     | Mandal | Village | Survey Nos. | Area<br>(In Hect/<br>acres) | Remarks      |
|--------------|--------|---------|-------------|-----------------------------|--------------|
| 1            | 2      | 3       | 4           | 5                           | 6            |
| St. Godavari | Karapa | Velanji | 184 Part    | 0.06.0                      | More or less |
|              |        |         | 2           |                             |              |
|              |        |         | 183 Part    | 0.14.0                      | "            |
|              |        |         | 175 Part    | 0.07.5                      | "            |
|              |        |         | 176 Part    | 0.05.5                      | "            |
|              |        |         | 4           |                             |              |
|              |        |         | 174 Part    | 0.01.0                      | "            |
|              |        |         | 4           |                             |              |

| 1 | 2 | 3 | 4        | 5      | 6            |
|---|---|---|----------|--------|--------------|
|   |   |   | 174 Part | 0.12.5 | More or Less |
|   |   |   | 2        |        |              |
|   |   |   | 174 Part | 0.02.0 | „            |
|   |   |   | 1        |        |              |
|   |   |   | 165 Part | 0.01.0 | „            |
|   |   |   | (G.P.)   |        |              |
|   |   |   | 163 Part | 0.09.0 | „            |
|   |   |   | 2        |        |              |
|   |   |   | 161 Part | 0.07.0 | „            |
|   |   |   | 1        |        |              |
|   |   |   | 160 Part | 0.09.5 | „            |
|   |   |   | 159 Part | 0.11.0 | „            |
|   |   |   | 5        |        |              |
|   |   |   | 134 Part | 0.04.0 | „            |
|   |   |   | (G.P.)   |        |              |
|   |   |   | 133 Part | 0.05.5 | „            |
|   |   |   | 1        |        |              |
|   |   |   | 126 Part | 0.01.0 | „            |
|   |   |   | (G.P.)   |        |              |
|   |   |   | 123 Part | 0.07.5 | „            |
|   |   |   | 4        |        |              |
|   |   |   | 121 Part | 0.10.5 | „            |
|   |   |   | 8        |        |              |
|   |   |   | 121 Part | 0.01.0 | „            |
|   |   |   | 7        |        |              |
|   |   |   | 121 Part | 0.05.0 | „            |
|   |   |   | 10       |        |              |
|   |   |   | 121 Part | 0.01.5 | „            |
|   |   |   | 1        |        |              |
|   |   |   | 122 Part | 0.02.5 | „            |
|   |   |   | 2        |        |              |
|   |   |   | TOTAL    | 1.24.5 | „            |

| 1             | 2      | 3       | 4             | 5      | 6            |
|---------------|--------|---------|---------------|--------|--------------|
| East Godavari | Karapa | Velangi | 122 Part      | 0.16.5 | Mere or less |
|               |        |         | 1             |        |              |
|               |        |         | 101 Part (GP) | 0.01.0 | ..           |
|               |        |         | 105 Part      | 0.11.0 | ..           |
|               |        |         | 2             |        |              |
|               |        |         | 109 Part      | 0.06.0 | ..           |
|               |        |         | TOTAL         | 1.59.0 | ..           |

[No.O-14016/1/92-GP]  
RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का. आ. 2093.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए टाटीपाका-काकीनाडा पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962) (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति संक्षम प्राधिकारी गैस अथारिटी ऑफ इण्डिया लिमि. के. जी. बमीन प्रोजेक्ट, राजमंड्री 533104, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

| जत्तपद       | तहसील | ग्राम         | सर्वे नं.  | क्षेत्रफल<br>(हेक्टे./एकड़ में) | विवरण        |
|--------------|-------|---------------|------------|---------------------------------|--------------|
| 1            | 2     | 3             | 4          | 5                               | 6            |
| ईस्ट गोदावरी | काशपा | पेट्टापुरपाडु | 52/103 भाग | 0.02.0                          | कम या ज्यादा |
|              |       |               | 51/1 "     | 0.12.0                          | "            |
|              |       |               | 50/2 "     | 0.13.0                          | "            |
|              |       |               | 185 "      | 0.00.5                          | "            |
|              |       |               | 49/1 "     | 0.07.5                          | "            |
|              |       |               | 49/2 "     | 0.05.0                          | "            |
|              |       |               | 46/2 "     | 0.00.5                          | "            |

| 1 | 2 | 3 | 4        | 5      | 6            |
|---|---|---|----------|--------|--------------|
|   |   |   | 46/3 भाग | 0.09.0 | कम या ज्यादा |
|   |   |   | 46/4 "   | 0.06.0 | "            |
|   |   |   | 46/5 "   | 0.04.0 | "            |
|   |   |   | 46/6 "   | 0.05.0 | "            |
|   |   |   | 37 "     | 0.14.0 | "            |
|   |   |   | 41/6 "   | 0.00.5 | "            |
|   |   |   | (जी.पी.) |        |              |
|   |   |   | 38/1 "   | 0.09.5 | "            |
|   |   |   | 38/3 "   | 0.04.0 | "            |
|   |   |   | 38/4 "   | 0.01.0 | "            |
|   |   |   | (जी.पी.) |        |              |
|   |   |   | 38/5 "   | 0.01.0 | "            |
|   |   |   | 39/2 "   | 0.05.5 | "            |
|   |   |   | 30 "     | 0.01.0 | "            |
|   |   |   | (जी.पी.) |        |              |
|   |   |   | 29/1 "   | 0.06.0 | "            |
|   |   |   | कुल      | 1.07.0 | हेक्टे.      |

[सं०ओ०-14016/1/92-जीपी]

राजीव महर्षि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2093.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Tatipaka-Kakinada pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE  
SECTION  
ENDAMURU—ODURU  
(BRANCH LINE)  
TATIPAKE—KAKINADA GAS PIPE LINE PROJECT

| District      | Mandal | Village       | Survey Nos.                              | Area<br>(In Hect/<br>Acres) | Remarks      |
|---------------|--------|---------------|--|-----------------------------|--------------|
| East Godavari | Karapa | Peddapur padu | 52 Part<br>—<br>1A3<br>51 Part<br>—<br>1 | 0.02.0<br><br><br>0.12.0    | More or less |



| District                | Mandal | Village            | Survey No.      | Area (In<br>Hect/Acres) | Remarks |
|-------------------------|--------|--------------------|-----------------|-------------------------|---------|
| East Godavari<br>Contd. | Karapa | Peddpaurp-<br>padu | 50 Part         | 0.13.0                  | „       |
|                         |        |                    | 2               |                         |         |
|                         |        |                    | 185 Part        | 0.00.5                  | „       |
|                         |        |                    | 49 Part         | 0 07.5                  | „       |
|                         |        |                    | 1               |                         |         |
|                         |        |                    | 49 Part         | 0.05.0                  | „       |
|                         |        |                    | 2               |                         |         |
|                         |        |                    | 46 Part         | 0.00 5                  | „       |
|                         |        |                    | 2               |                         |         |
|                         |        |                    | 46 Part         | 0.09.0                  | „       |
|                         |        |                    | 3               |                         |         |
|                         |        |                    | 46 Part         | 0.06.0                  | „       |
|                         |        |                    | 4               |                         |         |
|                         |        |                    | 46 Part         | 0.04.0                  | „       |
|                         |        |                    | 5               |                         |         |
|                         |        |                    | 46 Part         | 0.05.0                  | „       |
|                         |        |                    | 6               |                         |         |
|                         |        |                    | 37 Part         | 0.14.0                  | „       |
|                         |        |                    | 41 Part         | 0.00.5                  | „       |
|                         |        |                    | 6 (GP)          |                         |         |
|                         |        |                    | 38 Part         | 0.095                   | „       |
|                         |        |                    | 1               |                         |         |
|                         |        |                    | 38 Part         | 0.04.0                  | „       |
|                         |        |                    | 3               |                         |         |
|                         |        |                    | 38 Part         | 0.01.0                  | „       |
|                         |        |                    | 4 (GP)          |                         |         |
|                         |        |                    | 38 Part         | 0.01.0                  | „       |
|                         |        |                    | 5               |                         |         |
|                         |        |                    | 39 Part         | 0 05.5                  | „       |
|                         |        |                    | 2               |                         |         |
|                         |        |                    | 30 Part<br>(GP) | 0.01 0                  | „       |
|                         |        |                    | 29 Part         | 0.06.0                  | „       |
|                         |        |                    | 1               |                         |         |
| TOTAL                   |        |                    |                 | 1.07.0                  |         |

[No. O-14016/1/92-G.P.]  
RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई 1992

का. आ. 2094—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाइने के लिए टाटीपाका-काकीनाडा पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति संक्षेप प्राधिकारी गैस अथारिटी आफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, राजमंडी-533104, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा बिधि व्यवसाय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

## अनुसूची

## टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

| जनपद         | तहसील          | ग्राम | सर्वे नं.    | क्षेत्रफल (हेक्टर/एकड़ में) | विवरण        |
|--------------|----------------|-------|--------------|-----------------------------|--------------|
| ईस्ट गोदावरी | रामाचन्द्रपुरम | ओडुत  | 281 भाग      | 0.03.0                      | कम या ज्यादा |
|              |                |       | 276 "        | 0.14.0                      | "            |
|              |                |       | 275/1 "      | 0.07.5                      | "            |
|              |                |       | 275/2 "      | 0.04.5                      | "            |
|              |                |       | 272/3 "      | 0.00.5                      | "            |
|              |                |       | 274 "        | 0.01.0                      | "            |
|              |                |       | (जी.पी.)     |                             |              |
|              |                |       | 186/1 "      | 0.15.0                      | "            |
|              |                |       | 187 "        | 0.10.0                      | "            |
|              |                |       | 188/1 "      | 0.08.5                      | "            |
|              |                |       | 151/2 "      | 0.00.5                      | "            |
|              |                |       | 189/2 "      | 0.01.0                      | "            |
|              |                |       | 150/2 बी भाग | 0.10.5                      | "            |
|              |                |       | 150/3 "      | 0.05.5                      | "            |
|              |                |       | 149/6 ,,     | 0.00.5                      | "            |
|              |                |       | (जी.पी.)     |                             |              |
| कुल          |                |       | 0.82.0       | हेक्टे.                     |              |

[सं. ओ-14016/1/92-जी.पी.]

राजीव महर्षि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2094.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Tatipaka-Kakinada pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of users in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein ;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

**SCHEDULE**  
**TATIPAKE—KAKINADA GAS PIPE LINE PROJECT**  
**SECTION**  
**ENDAMURU-ODURU**  
**(BRANCH LINE)**

| District      | Mandal                | Village | Survey Nos.        | Area<br>(In Hect/<br>Acres) | Remarks      |
|---------------|-----------------------|---------|--------------------|-----------------------------|--------------|
| East Godavari | Ramachandra-<br>Puram | Oduru   | 281 Part           | 0.03.0                      | More or less |
|               |                       |         | 276 Part           | 0.14.0                      | „            |
|               |                       |         | 275 Part           | 0.07.5                      | „            |
|               |                       |         | 1                  |                             |              |
|               |                       |         | 275 Part           | 0.4.5                       | „            |
|               |                       |         | 2                  |                             |              |
|               |                       |         | 272 Part           | 0.00.5                      | „            |
|               |                       |         | 3                  |                             |              |
|               |                       |         | 274 (G.P.)<br>Part | 0.01.0                      | „            |
|               |                       |         | 186 Part           | 0.15.0                      | „            |
|               |                       |         | 1                  |                             |              |
|               |                       |         | 187 Part           | 0.10.0                      | „            |
|               |                       |         | 188 Part           | 0.08.5                      | „            |
|               |                       |         | 1                  |                             |              |
|               |                       |         | 151 Part           | 0.00.5                      | „            |
|               |                       |         | 2                  |                             |              |
|               |                       |         | 189 Part           | 0.01.0                      | „            |
|               |                       |         | 2                  |                             |              |
|               |                       |         | 150 Part           | 0.10.5                      | „            |
|               |                       |         | 2B                 |                             |              |
|               |                       |         | 150 Part           | 0.05.5                      | „            |
|               |                       |         | 3                  |                             |              |
|               |                       |         | 149 (G.P.) Part    | 0.00.5                      | „            |
|               |                       |         | 6                  |                             |              |
|               |                       |         | TOTAL              | 0.82.0                      | „            |

[No. O-14016/1/92-G.P.]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का.आ. 2095.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए टाटीपाका-काकीनाडा पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, राजमंजू-533104, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

## अनुसूची

## टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

| जनपद         | तहसील | ग्राम     | सर्वे नं.          | क्षेत्रफल (हेक्टे./एकड़ में) | विवरण        |  |
|--------------|-------|-----------|--------------------|------------------------------|--------------|--|
| ईस्ट गोदावरी | काशपा | घेंडामूरु | 95 भाग<br>(जी.पी.) | 0.06.0                       | कम या ज्यादा |  |
|              |       |           | 106/4 "            | 0.03.5                       | "            |  |
|              |       |           | (जी.पी.)           |                              |              |  |
|              |       |           | 106/3 "            | 0.00.5                       | "            |  |
|              |       |           | 108/1 "            | 0.03.0                       | "            |  |
|              |       |           | 109/5 "            | 0.05.5                       | "            |  |
|              |       |           | 109/3 "            | 0.05.5                       | "            |  |
|              |       |           | 109/1 "            | 0.03.5                       | "            |  |
|              |       |           | 109/2 "            | 0.04.5                       | "            |  |
|              |       |           | 112/1 "            | 0.03.5                       | "            |  |
|              |       |           | 113 "              | 0.07.5                       | "            |  |
|              |       |           | 133/1 "            | 0.06.5                       | "            |  |
|              |       |           | 131/2 "            | 0.01.0                       | "            |  |
|              |       |           | 131/3 "            | 0.03.5                       | "            |  |
|              |       |           | 131/1 "            | 0.05.5                       | "            |  |
|              |       |           | 132/1 "            | 0.11.0                       | "            |  |
|              |       |           | 130/2 "            | 0.06.0                       | "            |  |
|              |       |           | 129 "              | 0.01.0                       | "            |  |
|              |       |           | (जी.पी.)           |                              |              |  |
|              |       |           | 123 "              | 0.04.5                       | "            |  |
|              |       |           | 122 "              | 0.06.0                       | "            |  |
|              |       |           | 124/2 "            | 0.07.5                       | "            |  |
| कुल          |       |           | 0.95.0             | हेक्टे.                      |              |  |

| जमवाह | सहस्रलि | ग्राम | सर्वे न० | क्षेत्रफल (हेक्टर/एकड़ में) | विवरण        |
|-------|---------|-------|----------|-----------------------------|--------------|
|       |         |       | 163 "    | 0.23.5                      | कम या ज्यादा |
|       |         |       | 182 "    | 0.07.0                      | "            |
|       |         |       | (जी.पी.) |                             |              |
|       |         |       | 183/1 "  | 0.00.5                      | "            |
|       |         |       | 184/2 "  | 0.05.5                      | "            |
|       |         |       | 184/3 "  | 0.02.5                      | "            |
|       |         |       | 184/4 "  | 0.09.5                      | "            |
|       |         |       | 185 "    | 0.03.5                      | "            |
|       |         |       | 190 "    | 0.07.5                      | "            |
|       |         |       | 189 "    | 0.02.0                      | "            |
|       |         |       | (जी.पी.) |                             |              |
|       |         |       | 188/2 "  | 0.08.5                      | "            |
|       |         |       | कुल      | 1.71.0                      | हेक्टे.      |

[सं. ओ-14016/1/92/जी.पी.]

राजीव महर्षि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2695.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum and Natural Gas through Tatipaka-Kakinada pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-Section (i) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of users in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## Tatipake-Kakinada Gas Pipe Line Project Section/Endamuru-Oduru (Branch Line)

| District      | Mandal | Village  | Survey Nos.     | Area<br>(In Hect/Acres) | Remarks      |
|---------------|--------|----------|-----------------|-------------------------|--------------|
| 1             | 2      | 3        | 4               | 5                       | 6            |
| East Godavari | Karapa | Endamuru | 95 Part (G.P.)  | 0.06.0                  | More or less |
|               |        |          | 106 Part (G.P.) | 0.03.5                  | "            |
|               |        |          | 4               |                         |              |
|               |        |          | 106 Part        | 0.00.5                  | "            |
|               |        |          | 3               |                         |              |
|               |        |          | 108 Part        | 0.03.0                  | "            |
|               |        |          | 1               |                         |              |
|               |        |          | 109 Part        | 0.05.5                  | "            |
|               |        |          | 5               |                         |              |

| 1             | 2      | 3        | 4             | 5      | 6            |
|---------------|--------|----------|---------------|--------|--------------|
|               |        |          | 109 Part      | 0.05.5 | More or less |
|               |        |          | 3             |        |              |
|               |        |          | 109 Part      | 0.03.0 | „            |
|               |        |          | 1             |        |              |
|               |        |          | 109 Part      | 0.04.5 | „            |
|               |        |          | 2             |        |              |
|               |        |          | 112 Part      | 0.03.5 | „            |
|               |        |          | 1             |        |              |
|               |        |          | 113 Part      | 0.07.5 | „            |
|               |        |          | 133 Part      | 0.06.5 | „            |
|               |        |          | 1             |        |              |
|               |        |          | 131 Part      | 0.01.0 | „            |
|               |        |          | 2             |        |              |
|               |        |          | 131 Part      | 0.03.5 | 0.03.5       |
|               |        |          | 3             |        |              |
|               |        |          | 131 Part      | 0.05.5 | „            |
|               |        |          | 1             |        |              |
|               |        |          | 132 Part      | 0.11.0 | „            |
|               |        |          | 1             |        |              |
|               |        |          | 130 Part      | 0.06.0 | „            |
|               |        |          | 2             |        |              |
|               |        |          | 129 Part (GP) | 0.01.0 | „            |
|               |        |          | 123 Part      | 0.04.5 | „            |
|               |        |          | 122 Part      | 0.06.0 | „            |
|               |        |          | 124 Part      | 0.07.5 | „            |
|               |        |          | 2             |        |              |
|               |        |          | Total         | 0.95.0 | „            |
|               |        |          | B.F.          | 0.95.0 |              |
| East Godavari | Karapa | Endamuru | 124 Part      | 0.06.0 | More or less |
|               |        |          | 1             |        |              |
|               |        |          | 163 Part      | 0.23.5 | „            |
|               |        |          | 182 Part (GP) | 0.05.0 | „            |
|               |        |          | 1             |        |              |
|               |        |          | 183           | 0.00.5 | „            |
|               |        |          | 1             |        |              |
|               |        |          | 184 Part      | 0.05.5 | „            |
|               |        |          | 2             |        |              |

## SCHEDULE

|               |        |              |
|---------------|--------|--------------|
| 184 Part      | 0.02.5 | More or less |
| 3             |        |              |
| 184 Part      | 0.09.5 | ..           |
| 4             |        |              |
| 185 Part      | 0.03.5 | ..           |
| 190 Part      | 0.07.5 | ..           |
| 189 Part (GP) | 0.02.0 | ..           |
| 188 Part      | 0.08.5 | ..           |
| 2             |        |              |
| Total         | 1.71.0 |              |

[No. O 14016/22-GP]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

New Delhi, the 30th July, 1992

का. प्रा. स. 2096.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि "राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्पावक अनुसूची में बंदिन भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त कानूनों का प्रयोग करते हुए केन्द्रीय सरकार ने उक्त उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी गैस प्राधिकरण लि. आनन्द भवन अनेक्सी, सुभाष रोड, खेहली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से ही या या किसी विधि व्यवसायी के मार्फत।

## अनुसूची

कोरेरी गडेपान (जिला कोटा) पाईप लाइन

| राज्य—राजस्थान | जिला—कोटा  | तहसील—दीगोड | वillage | Survey No. | Hectare | Are | Centi-are |
|----------------|------------|-------------|---------|------------|---------|-----|-----------|
| नाम भूमि       | खसरा नम्बर | हेक्टर      | एयर     | बर्ग       |         |     |           |
|                |            |             | मीटर    |            |         |     |           |
| गडेपान         | 334        | --          | 15      | 62         |         |     |           |
| "              | 335        | --          | 41      | 04         |         |     |           |
| "              | 347        | --          | 07      | 98         |         |     |           |
| "              | 349        | --          | 44      | 44         |         |     |           |
| "              | 349/363    | --          | 03      | 60         |         |     |           |
| योग            | 5          | 1           | 12      | 68         |         |     |           |

[स. अं-14016/192/जा. पं. ]

राजीव मेहरीषि, निदेशक

S.O. 2096.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, Boreri Gadepan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline from Doreri to Gadepan

State: Rajasthan District: Kota Tehsil Digod

| Village | Survey No. | Hectare | Are | Centi-are |
|---------|------------|---------|-----|-----------|
| Gadepan | 334        | —       | 15  | 62        |
|         | 335        | —       | 41  | 04        |
|         | 347        | —       | 07  | 98        |
|         | 349        | —       | 44  | 44        |
|         | 349        | —       | —   | —         |
|         | 363        | —       | 03  | 60        |
| Total   | 05         | 01      | 12  | 68        |

[No. O-14016/1/92 G.P.]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का.घा.सं. 2097.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यत प्रतीत होता है कि ऐसी साधनों को बिछाने का प्रयोजन के लिए एतदुपायधन अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अनुरोध आगम एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., धान्यद भवन, धनेक्सी, सुभाष रोड, खेड़ी काटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी पुनर्बाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माध्यम से।

## अनुसूची

बोरेरी गडेपान (जिला कोटा) पाइप लाइन—

राज्य—राजस्थान जिला—कोटा तहसील—बीनोद

| नाम ग्राम | खसरा नम्बर | हेक्टर | घर | वर्ग मीटर |
|-----------|------------|--------|----|-----------|
| 1         | 2          | 3      | 4  | 5         |
| बग्गी     | 86         | —      | 04 | 14        |
|           | 87         | —      | 08 | 29        |
|           | 91         | —      | 12 | 06        |
|           | 92         | —      | 05 | 22        |
|           | 93         | —      | 23 | 04        |
|           | 96         | —      | 24 | 84        |
|           | 98         | —      | 24 | 30        |
|           | 99         | —      | 05 | 13        |
|           | 105        | —      | 14 | 76        |
|           | 109        | —      | 15 | 84        |
|           | 110        | —      | 15 | 12        |
|           | 121        | —      | 26 | 82        |
|           | 122        | —      | 09 | 00        |
|           | 123        | —      | 15 | 12        |
|           | 130        | —      | 02 | 70        |
|           | 131        | —      | 21 | 60        |
|           | 132        | —      | 17 | 10        |
|           | 133        | —      | 10 | 71        |
|           | 159        | —      | 19 | 90        |
|           | 160        | —      | —  | 45        |
|           | 165        | —      | 08 | 82        |
|           | 166        | —      | 19 | 58        |
|           | 170        | —      | 15 | 48        |
|           | 171        | —      | 01 | 88        |
|           | 172        | —      | 31 | 68        |

| 1            | 2       | 3 | 4  | 5  |
|--------------|---------|---|----|----|
| कली—(बोरेरी) | 174     | — | 10 | 80 |
|              | 175     | — | 13 | 77 |
|              | 176     | — | 12 | 60 |
|              | 177     | — | —  | 90 |
|              | 166/283 | — | 01 | 80 |
|              | 170/285 | — | 03 | 06 |
| योग :        | 31      | 3 | 96 | 50 |

[स. ओ-14016/1/92-जी पी]

राजीव मंहि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2097.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Godepan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline from Boreri to Gadepan  
State : Rajasthan District : Kota Tehsil Digod

| Village | Survey No. | Hectare | Are | Centiare |
|---------|------------|---------|-----|----------|
| 1       | 2          | 3       | 4   | 5        |
| Ruggi   | 86         | —       | 04  | 14       |
|         | 87         | —       | 08  | 28       |
|         | 91         | —       | 12  | 06       |
|         | 92         | —       | 05  | 22       |
|         | 93         | —       | 23  | 04       |
|         | 96         | —       | 24  | 84       |
|         | 98         | —       | 24  | 30       |
|         | 99         | —       | 05  | 13       |
|         | 105        | —       | 14  | 76       |
|         | 109        | —       | 15  | 84       |
|         | 110        | —       | 15  | 12       |
|         | 121        | —       | 26  | 82       |
|         | 122        | —       | 09  | 00       |
|         | 123        | —       | 15  | 12       |
|         | 130        | —       | 02  | 70       |
|         | 131        | —       | 21  | 60       |
|         | 132        | —       | 17  | 10       |
|         | 133        | —       | 10  | 71       |
|         | 159        | —       | 19  | 90       |
|         | 160        | —       | —   | 45       |
|         | 165        | —       | 08  | 82       |
|         | 166        | —       | 19  | 58       |
|         | 170        | —       | 15  | 48       |
|         | 171        | —       | 01  | 88       |
|         | 172        | —       | 31  | 68       |



| 1              | 2       | 3  | 4  | 5  |
|----------------|---------|----|----|----|
| Ruggi (Contd.) | 132     | —  | 17 | 10 |
|                | 133     | —  | 10 | 71 |
|                | 159     | —  | 19 | 90 |
|                | 160,    | —  | —  | 45 |
|                | 165     | —  | 08 | 82 |
|                | 166     | —  | 19 | 58 |
|                | 170     | —  | 15 | 48 |
|                | 171     | —  | 01 | 88 |
|                | 172     | —  | 31 | 68 |
|                | 174     | —  | 10 | 80 |
|                | 175     | —  | 13 | 77 |
|                | 176     | —  | 12 | 60 |
|                | 177     | —  | —  | 90 |
|                | 166/283 | —  | 01 | 80 |
|                | 170,285 | —  | 03 | 06 |
| Total          | 31      | 03 | 96 | 50 |

[No. O-14016/1/92—G.P.]  
RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का. मा. सं. 2098.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद् पाइप लाइन सूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अन्न पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) (अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

अतः कि उपर भूमि में हितवादी कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अन्नेक्सी, सुभाष रोड, खेसली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्टया यह भी कथन करेगा कि क्या वह चाहता है कि उसको मुतवादी व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़त।

#### अनुसूची

बोरेरी गडेपान (जिला कोटा) पाइप लाइन—  
राज्य—राजस्थान जिला—कोटा तहसील—दोगोद

| नाम ग्राम | खमरा नम्बर | हेक्टर | एयर  | वग |
|-----------|------------|--------|------|----|
|           |            |        | मीटर |    |
| पीसा      | 94         | —      | 35   | 28 |
| "         | 95         | —      | 09   | 35 |
| "         | 96         | —      | 15   | 30 |

1891 GI/92—4.

| 1     | 2       | 3 | 4  | 5  |
|-------|---------|---|----|----|
| "     | 97      | — | 20 | 70 |
| "     | 98      | — | 20 | 52 |
| "     | 99      | — | 09 | 72 |
| "     | 100     | — | 19 | 80 |
| "     | 152     | — | 14 | 76 |
| "     | 153     | — | 19 | 44 |
| "     | 154     | — | 20 | 52 |
| "     | 158     | — | 08 | 20 |
| "     | 159     | — | 29 | 52 |
| "     | 160     | — | 12 | 78 |
| "     | 174     | — | 15 | 30 |
| "     | 175     | — | —  | 45 |
| "     | 176     | — | 15 | 03 |
| "     | 177     | — | 14 | 40 |
| "     | 178     | — | 04 | 54 |
| "     | 179     | — | 13 | 64 |
| "     | 211     | — | 06 | 12 |
| "     | 213     | — | 05 | 76 |
| "     | 214     | — | 24 | 30 |
| "     | 215     | — | 14 | 58 |
| "     | 216     | — | —  | 72 |
| "     | 214/278 | — | 6  | 30 |
| योग : | 25      | 3 | 56 | 04 |

[सं. ओ-14016/1/92—बो पी]

राजीव मेहरि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2098.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Dist.) to Gadepan (Kota Dist.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

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Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the laid to the Competent Authority, Gas Authority of India Ltd. Boreri Godepan Gas Pipeline Project, Anand Bhawan Annexce, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Kota Tehsil Digod

| Village | Survey No. | Hectare Are | Centi-<br>are |
|---------|------------|-------------|---------------|
| Chisa   | 94         | —           | 35 28         |
|         | 95         | —           | 09 36         |

|       |    |    |       |
|-------|----|----|-------|
| 96    | —  | 15 | 30    |
| 97    | —  | 20 | 70    |
| 98    | —  | 20 | 52    |
| 99    | —  | 09 | 72    |
| 100   | —  | 19 | 80    |
| 152   | —  | 14 | 76    |
| 153   | —  | 19 | 44    |
| 154   | —  | 20 | 52    |
| 158   | —  | 07 | 20    |
| 159   | —  | 29 | 52    |
| 160   | —  | 12 | 78    |
| 174   | —  | 15 | 30    |
| 175   | —  | —  | 45    |
| 176   | —  | 15 | 03    |
| 177   | —  | 14 | 40    |
| 178   | —  | 04 | 54    |
| 179   | —  | 13 | 64    |
| 211   | —  | 96 | 12    |
| 213   | —  | 05 | 76    |
| 214   | —  | 24 | 30    |
| 215   | —  | 14 | 58    |
| 216   | —  | —  | 72    |
| 214   | —  | 06 | 30    |
| 278   |    |    |       |
| Total | 25 | 03 | 50 04 |

[No. O-14016/1/92—G.P.]  
RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का. घा 2099—बन. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाईप लाईन भारतीय गैस प्राधिकरण लि. बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाईनों को बिछाने या प्रयोजन के लिए एतद्पावड़ अनुसूची में वर्णित भूमि में उपयोग का अधिकार प्रजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग अधिकार का भर्जन (अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में उसमें उपयोग का अधिकार प्रजित करने का अपना आग्रह एतद्द्वारा घोषित किया है।

अर्थात् कि उक्त भूमि में कितना कोई व्यक्ति उस भूमि के नीचे पाईप लाईन बिछाने के लिए आशेष मसल प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन धनेकसी, सुभाष रोड, खेडली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा घोषण करने वाला हर व्यक्ति बिलिगिस्ट तथा यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुतबदी अभिव्यक्त मय से हो या किसी कि क्या वह चाहता है कि उसकी विधि व्यवसायी के मार्फत।

अनुसूची

बोरेरी गडेपान (जिला कोटा) पाईप लाईन

राज्य — राजस्थान जिला — कोटा — तहसील दीगोद

| ग्राम नाम | खसरा नम्बर | हे. | ए. | बग मी. |
|-----------|------------|-----|----|--------|
| ककरावदा   | 185        | —   | 40 | 86     |
|           | 191        | —   | 13 | 14     |

|         |    |    |       |
|---------|----|----|-------|
| 192     | —  | 15 | 66    |
| 193     | —  | 12 | 24    |
| 196     | —  | 10 | 44    |
| 197     | —  | 30 | 31    |
| 200     | —  | 44 | 82    |
| 203     | 00 | 20 | 34    |
| 2152/35 | —  | 39 | 91    |
| योगा    | 9  | 2  | 27 72 |

[स ओ-14016/1/92—जी. पी.]  
राजीव मेहरिषी, निदेशक

New Delhi, the 30th July, 1992

S.O. 2099.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competant Authority, Gas Authority of India Ltd. Boreri Godepan Gas Pipeline Project, Anand Bhawan Annexure, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from Boreri to Gadepan  
State: Rajasthan District: Kota Tehsil: Digod

| Village    | Survey No. | Hectare | Are | Centiare |
|------------|------------|---------|-----|----------|
| Kakarawada | 186        | —       | 40  | 86       |
|            | 191        | —       | 13  | 14       |
|            | 192        | —       | 15  | 66       |
|            | 193        | —       | 12  | 24       |
|            | 196        | —       | 10  | 44       |
|            | 197        | —       | 30  | 31       |
|            | 200        | —       | 44  | 82       |
|            | 203        | —       | 20  | 34       |
|            | 215        | —       | 39  | 91       |
|            | 235        | —       | —   | —        |
| Total      | —9         | —2      | 27  | 72       |

[No. O-14016/1/92—G.P.]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का. प्रा. 2100.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाईन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाईनों को बिछाने या प्रयोजन के लिए एनर्वाबल अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनर्वाबल घोषित किया है।

बताने कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेकसी सुभाष रोड खेडली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति बिलिविष्टया यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफिक।

अनुसूची

कोरने गडेपान (जिला कोटा) पाइप लाईन . . . . .

राज्य राजस्थान जिला: बारन तहसील मांगरोज

| नाम गाँव | खसरा नम्बर | हे. | एयर | वर्ग मीटर |
|----------|------------|-----|-----|-----------|
| पलायथा   | 1221       | —   | 88  | 74        |
|          | 1224       | —   | 05  | 94        |
|          | 1225       | —   | 05  | 75        |
|          | 1226       | —   | 08  | 84        |
|          | 1227       | —   | 08  | 82        |
|          | 1228       | —   | 06  | 66        |
|          | 1229       | —   | 10  | 35        |
|          | 1230       | —   | 54  | 27        |
| योग      | 06         | 1   | 89  | 18        |

[स. अं. 14016/1/92 जी. पी.]

राजीव महर्षि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2100.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Dist.) to Gadepan (Kota Dist.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided, that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Gadepan Gas Pipeline Project, Anand Bhawan Annexee, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Baran Tehsil Mangrol

| Village   | Survey No. | Hectare | Are | Centiare |
|-----------|------------|---------|-----|----------|
| Palayetha | 1221       | —       | 88  | 74       |
|           | 1224       | —       | 05  | 94       |
|           | 1225       | —       | 05  | 76       |
|           | 1226       | —       | 08  | 64       |
|           | 1227       | —       | 08  | 82       |
|           | 1228       | —       | 06  | 66       |
|           | 1229       | —       | 10  | 35       |
|           | 1230       | —       | 54  | 27       |
| Total     | 08         | 1       | 89  | 18       |

[No. O/14016/1/92-G.P.]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का. प्रा. 2101.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाईन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एनर्वाबल अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनर्वाबल घोषित किया है।

बताने कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी गैस प्राधिकरण लि., आनन्द भवन अनेकसी सुभाष रोड, खेडली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति बिलिविष्टया यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफिक।

## अनुसूची

बोरि गडेपान जिला कोटा पाहप लार्न

राज्य राजस्थान जिला बारा तहसील मंगरोल

| नाम ग्राम | खसरा नम्बर | हे. | एयर | बर्ग . मो. |
|-----------|------------|-----|-----|------------|
| नागडा     | 424        | 01  | 19  | 43.00      |
|           | 435        | —   | 99  | 27.00      |
|           | 461        | —   | 15  | 80.40      |
|           | 525        | —   | 31  | 46.40      |
|           | 528        | —   | 15  | 12.00      |
|           | 529        | —   | 23  | 94.00      |
|           | 531        | —   | 12  | 06.00      |
|           | 533        | —   | 22  | 86.00      |
|           | 534        | —   | 31  | 68.00      |
|           | 535        | —   | 03  | 27.60      |
|           | 538        | —   | 08  | 64.00      |
|           | 539        | —   | 12  | 42.00      |
|           | 540        | —   | 15  | 12.00      |
|           | 1175       | —   | 06  | 66.00      |
|           | 1176       | —   | 16  | 02.00      |
|           | 1177       | —   | 30  | 24.00      |
|           | 1178       | —   | 03  | 28.00      |
|           | 1181       | —   | 02  | 88.00      |
|           | 1183       | —   | —   | 18.00      |
|           | 1185       | —   | 10  | 08.00      |
|           | 1187       | —   | 13  | 14.00      |
|           | 1190       | —   | 10  | 26.00      |
|           | 1191       | —   | 08  | 28.00      |
|           | 1192       | —   | 01  | 98.50      |
|           | 1199       | —   | 02  | 08.00      |
|           | 1200       | —   | 06  | 66.00      |
|           | 1201       | —   | 03  | 24.00      |
|           | 1204       | —   | 15  | 48.00      |
|           | 1207       | —   | 08  | 82.00      |
|           | 1209       | —   | —   | 18.00      |
|           | 1210       | —   | —   | 07.20      |
|           | 1211       | —   | 12  | 42.00      |
|           | 1212       | —   | 12  | 24.00      |
|           | 1213       | —   | 12  | 42.00      |
|           | 1215       | —   | 10  | 62.00      |
|           | 1216       | —   | 01  | 08.00      |
|           | 1343       | —   | 13  | 14.00      |
|           | 1354       | —   | 23  | 22.00      |
| योग       | 38         | 06  | 35  | 76.90      |

[सं. ओ 14016/1/92]

राज्य महवि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2101.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Ganapan Gas Pipeline Project, Anand Bhawan Annexee, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Baran Tehsil : Mangrol

| Village | Survey No. | Hectare | Are | Centiare |
|---------|------------|---------|-----|----------|
| Nagda   | 424        | 01      | 19  | 43.00    |
|         | 435        | —       | 99  | 27.00    |
|         | 461        | —       | 15  | 80.40    |
|         | 525        | —       | 31  | 46.40    |
|         | 528        | —       | 15  | 12.00    |
|         | 529        | —       | 23  | 94.00    |
|         | 531        | —       | 12  | 06.00    |
|         | 533        | —       | 22  | 86.00    |
|         | 534        | —       | 31  | 68.00    |
|         | 535        | —       | 03  | 27.60    |
|         | 538        | —       | 08  | 64.00    |
|         | 539        | —       | 12  | 42.00    |
|         | 540        | —       | 15  | 12.00    |
|         | 1175       | —       | 06  | 66.00    |
|         | 1176       | —       | 16  | 02.00    |
|         | 1177       | —       | 30  | 24.00    |
|         | 1178       | —       | 03  | 28.00    |
|         | 1181       | —       | 02  | 88.00    |
|         | 1183       | —       | —   | 18.00    |
|         | 1185       | —       | 10  | 08.00    |
|         | 1187       | —       | 13  | 14.00    |
|         | 1190       | —       | 10  | 26.00    |
|         | 1191       | —       | 08  | 28.00    |
|         | 1192       | —       | 01  | 98.50    |
|         | 1199       | —       | 02  | 08.00    |
|         | 1200       | —       | 06  | 66.00    |
|         | 1201       | —       | 03  | 24.00    |
|         | 1204       | —       | 15  | 48.00    |
|         | 1207       | —       | 08  | 82.00    |
|         | 1209       | —       | —   | 18.00    |
|         | 1210       | —       | —   | 07.20    |
|         | 1211       | —       | 12  | 42.00    |
|         | 1212       | —       | 12  | 24.00    |
|         | 1213       | —       | 12  | 42.00    |
|         | 1215       | —       | 10  | 62.00    |
|         | 1216       | —       | 01  | 08.00    |
|         | 1343       | —       | 13  | 14.00    |
|         | 1345       | —       | 23  | 22.00    |
| Total   | 38         | 06      | 35  | 76.90    |

[No. O/14016/1/92-G.P.]

RAJIV MEHRISHI, Director

सई दिनांक, 30 जुलाई 1992

का. आ. 2102—यह : केन्द्रीय सरकार का यह प्रतीत होता है कि संविधान में यह प्रावश्यक है कि

कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाईप लाईन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जाना चाहिए।

और यतः प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्प्राबन्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना ध्यान एतद्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि में नीचे वर्णित लाईन बिछाने के लिए, आशेष सक्षम प्राधिकार, भारतीय गैस प्राधिकरण लि० आनन्द भवन संरक्षित प्रपेक्टों मुनाष रोड, खेसली फाटक, कोटा को इस अधिकारिता की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफत।

#### अनुसूची

बोरेरी गडेपान (जिला, कोटा) (पाईप लाईन) का  
राज्य राजस्थान, जिला, बोरा तहसील मंगरोल

| सम. ग्राम. | खसरा, नम्बर | हे | एरे | वर्गमी. |
|------------|-------------|----|-----|---------|
| बमोरी      | 10          | —  | 12  | 60.00   |
|            | 11          | —  | 30  | 12.00   |
|            | 12          | —  | —   | 16.80   |
|            | 13          | —  | 01  | 26.00   |
|            | 14          | —  | 01  | 20.78   |
|            | 22          | —  | 06  | 12.00   |
|            | 54          | —  | 04  | 33.80   |
|            | 74          | —  | —   | 54.00   |
|            | 76          | —  | 02  | 76.12   |
|            | 77          | —  | 13  | 32.00   |
|            | 78          | —  | 08  | 64.00   |
|            | 82          | —  | 16  | 38.00   |
|            | 83          | —  | 10  | 15.20   |
|            | 84          | —  | 08  | 64.00   |
|            | 87          | —  | 08  | 46.00   |
|            | 88          | —  | 36  | 18.00   |
|            | 87/1042     | —  | 14  | 76.00   |
|            | 20/1065     | —  | 02  | 88.00   |
| योग        | 18          | 01 | 79  | 12.70   |

[स. ओ - 14016/1/92 जी पी]

सर्जिस महोदय निदेशक

S.O. 2102.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Gadepan Gas Pipeline Project, Anand Bhawan Annexec, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Baran Tehsil : Mangrol

| Village | Survey No. | Hectare | Acre | Centiare |
|---------|------------|---------|------|----------|
| Bamori  | 10         | —       | 12   | 60.00    |
|         | 11         | —       | 30   | 42.00    |
|         | 12         | —       | —    | 46.80    |
|         | 13         | —       | 01   | 26.00    |
|         | 14         | —       | 01   | 20.78    |
|         | 22         | —       | 06   | 12.00    |
|         | 54         | —       | 04   | 33.80    |
|         | 74         | —       | —    | 54.00    |
|         | 76         | —       | 02   | 76.12    |
|         | 77         | —       | 13   | 32.00    |
|         | 78         | —       | 08   | 64.00    |
|         | 82         | —       | 16   | 38.00    |
|         | 83         | —       | 10   | 15.20    |
|         | 84         | —       | 08   | 64.00    |
|         | 87         | —       | 08   | 46.00    |
|         | 88         | —       | 36   | 18.00    |
|         | 87/1042    | —       | 14   | 76.00    |
|         | 20/1065    | —       | 02   | 88.00    |
| Total   | 18         | 01      | 79   | 12.70    |

[No. O-14016/1/92—G.P.]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

का. घा. 2103.—यतः : केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाईप लाईन भारतीय गैस प्राधिकरण लि द्वारा बिछाई जाना चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्प्राबन्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग का अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना ध्यान एतद्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि में नीचे पाईप लाईन बिछाने के लिए, आशेष सक्षम प्राधिकार, भारतीय गैस

प्राधिकरण लि. आनन्द भवन भनवसी, सुभाष रोड, खेड्डी फाटक कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति बिनिश्चितः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़ेस।

संयुक्ती

बोररी गढ़गाम (जिला कोटा) पाइप लाइन

राज्य : राजस्थान : जिला : बांग तहसील : मांगरोल

| ग्राम ग्राम | खसरा नम्बर | हे | एरे. | वर्गमी |
|-------------|------------|----|------|--------|
| 1           | 2          | 3  | 4    | 5      |
| अन्ता       | 155        | —  | —    | 27.00  |
|             | 156        | —  | 25   | 74.00  |
|             | 158        | —  | 02   | 07.00  |
|             | 159        | —  | 01   | 62.00  |
|             | 160        | —  | 04   | 86.00  |
|             | 161        | —  | 14   | 22.00  |
|             | 164        | —  | 08   | 46.88  |
|             | 165        | —  | 15   | 57.00  |
|             | 169        | —  | 04   | 14.00  |
|             | 170        | —  | 06   | 12.00  |
|             | 171        | —  | 05   | 99.40  |
|             | 172        | —  | 02   | 34.00  |
|             | 179        | —  | 02   | 88.00  |
|             | 180        | —  | 11   | 34.00  |
|             | 184        | —  | 09   | 00.00  |
|             | 187        | —  | —    | 99.00  |
|             | 188        | —  | 10   | 98.00  |
|             | 189        | —  | —    | 77.00  |
|             | 190        | —  | 10   | 95.00  |
|             | 191        | —  | 11   | 88.00  |
|             | 424        | —  | 03   | 95.10  |
|             | 429        | —  | 13   | 32.00  |
|             | 430        | —  | 04   | 32.00  |
|             | 433        | —  | 04   | 41.00  |
|             | 436        | —  | 18   | 90.00  |
|             | 437        | —  | 08   | 35.20  |
|             | 440        | —  | 25   | 28.00  |
|             | 445        | —  | 41   | 58.00  |
|             | 448        | —  | —    | 09.00  |
|             | 449        | —  | 12   | 60.00  |
|             | 450        | —  | 03   | 33.00  |
|             | 451        | —  | 05   | 67.00  |
|             | 466        | —  | 28   | 62.00  |
|             | 467        | —  | 18   | 90.00  |
|             | 468        | —  | 19   | 98.00  |
|             | 469        | —  | 04   | 41.00  |
|             | 470        | —  | 12   | 98.00  |
|             | 478        | —  | 03   | 60.00  |
|             | 480        | 17 | 17   | 28.00  |
|             | 482        | —  | 25   | 56.00  |
|             | 543        | —  | —    | 23.40  |
|             | 544        | —  | 01   | 62.00  |

| 1   | 2        | 3  | 4  | 5     |
|-----|----------|----|----|-------|
|     | 545      | —  | 09 | 00.00 |
|     | 548      | —  | 30 | 58.92 |
|     | 549      | —  | 14 | 04.00 |
|     | 550      | —  | 04 | 30.20 |
|     | 551      | —  | —  | 18.00 |
|     | 480/1881 | 00 | 23 | 54.40 |
|     | 180/1924 | —  | 03 | 42.00 |
|     | 432/1948 | —  | 11 | 16.00 |
| योग | 50       | 05 | 21 | 92.62 |

[सं. अं. 14016/1/52 जी.पी.]

राजीव महर्षि, निदेशक

S.O. 2103.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Gadepan Gas Pipeline Project, Anand Bhawan Annexee, Subhash Road, Kheshi Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Baran Tehsil : Mangrol

| Village | Survey No. | Hectare | Acre | Centiare |
|---------|------------|---------|------|----------|
| Anta    | 155        | —       | —    | 27.00    |
|         | 156        | —       | 25   | 74.00    |
|         | 158        | —       | 02   | 07.00    |
|         | 159        | —       | 01   | 62.00    |
|         | 160        | —       | 04   | 86.00    |
|         | 161        | —       | 14   | 22.00    |
|         | 164        | —       | 08   | 46.00    |
|         | 165        | —       | 15   | 57.00    |
|         | 169        | —       | 04   | 14.00    |
|         | 170        | —       | 06   | 12.00    |
|         | 171        | —       | 05   | 99.40    |
|         | 172        | —       | 02   | 34.00    |
|         | 179        | —       | 02   | 88.00    |
|         | 180        | —       | 11   | 34.00    |
|         | 184        | —       | 09   | 00.00    |
|         | 197        | —       | —    | 99.00    |
|         | 188        | —       | 10   | 98.00    |
|         | 189        | —       | —    | 27.00    |
|         | 190        | —       | 10   | 98.00    |
|         | 191        | —       | 11   | 88.00    |

| 1     | 2    | 3  | 4        |
|-------|------|----|----------|
| Anta  | 424  |    | 03 95.10 |
|       | 429  | —  | 13 32.00 |
|       | 430  | —  | 04 32.00 |
|       | 433  | —  | 04 41.00 |
|       | 436  | —  | 18 90.00 |
|       | 437  | —  | 08 35.20 |
|       | 440  | —  | 26 28.00 |
|       | 445  | —  | 41 58.00 |
|       | 448  | —  | — 09.00  |
|       | 449  | —  | 12 60.00 |
|       | 450  | —  | 03 33.00 |
|       | 451  | —  | 05 67.00 |
|       | 466  | —  | 28 62.00 |
|       | 467  | —  | 18 90.00 |
|       | 468  | —  | 19 98.00 |
|       | 469  | —  | 04 41.00 |
|       | 470  | —  | 12 96.00 |
|       | 478  | —  | 03 60.00 |
|       | 480  | —  | 17 28.00 |
|       | 482  | —  | 25 56.00 |
|       | 543  | —  | — 23.40  |
|       | 544  | —  | 01 62.00 |
|       | 545  | —  | 09 00.00 |
|       | 548  | —  | 30 58.92 |
|       | 549  | —  | 14 04.00 |
|       | 550  | —  | 04 30.20 |
|       | 551  | —  | — 18.00  |
|       | 480  | —  | 23 54.40 |
|       | 1881 | —  | —        |
|       | 180  | —  | 03 42.00 |
|       | 1924 | —  | —        |
|       | 423  | —  | 11 16.00 |
|       | 1948 | —  | —        |
| Total | 50   | 05 | 21 92.62 |

[No. O-14016/1/92—G.P.]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई, 1992

सू. घा. म. 2104. --यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडपान (कोटा) तथा प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी गाइनों की बिछाने या प्रयोजन के लिए एनएसएल अधिनियम में वर्णित भूमि में उपयोग का अधिकार प्रदान करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्रवर्तन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने अपने अधिनियम का अधिकार अति करने का अपना आशय एनएसएल को ज्ञात किया है।

यहाँ कि उक्त भूमि में अतिरिक्त कोई व्यक्ति उस भूमि के लक्ष्य पाइप लाइन बिछाने के लिए आशय सक्षम प्राधिकारों, भारतीय गैस प्राधिकरण लि., आनन्द भवन अनेकरी, सुभाष रोड, खेडनी फाटक, कोटा की इस अधिपूवता को जारी रखे 21 दिन के भीतर कर सकेगा।

और ऐसा आशय करने वाला हर व्यक्ति विनिश्चित रूप से करने करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विशिष्ट व्यवसाय की मार्फत।

## अनुसूची

बोरेरो गडपान (जिला कोटा) पाइप लाइन

| जिल्ला-राजस्थान | जिल्ला-बांग | महसुल-सोपान |     |            |    |
|-----------------|-------------|-------------|-----|------------|----|
| नाम ग्राम       | खसरा नम्बर  | हेक्टर      | एयर | बन<br>मीटर |    |
| नाम खेडा        | 8           | —           | —   | 15         |    |
|                 | 46          | —           | 11  | 70         |    |
|                 | 17          | —           | 19  | 44         |    |
|                 | 19          | —           | —   | 54         |    |
|                 | 50          | —           | —   | 25         |    |
|                 | 57          | —           | —   | 18         |    |
|                 | 58          | —           | 10  | 80         |    |
|                 | 59          | —           | 01  | 60         |    |
|                 | 60          | —           | 27  | 51         |    |
|                 | 62          | —           | 9   | 00         |    |
|                 | 63          | —           | 25  | 56         |    |
|                 | 64          | —           | 14  | 01         |    |
|                 | 65          | —           | —   | 56         |    |
|                 | 67          | —           | —   | 72         |    |
|                 | 154         | —           | 02  | 58         |    |
|                 | 181         | —           | 01  | 44         |    |
|                 | 182         | —           | 07  | 20         |    |
|                 | 183         | —           | 17  | 28         |    |
|                 | 185         | —           | 04  | 32         |    |
|                 | नामखेडा     | 186         | —   | 17         | 40 |
| 187             |             | —           | 09  | 36         |    |
| 189             |             | —           | 41  | 56         |    |
| 191             |             | —           | 01  | 30         |    |
| 233             |             | —           | 28  | 80         |    |
| 234             |             | —           | 10  | 08         |    |
| 235             |             | —           | 09  | 36         |    |
| 236             |             | —           | 18  | 41         |    |
| 250             |             | —           | 62  | 96         |    |
| 253             |             | —           | 21  | 60         |    |
| 255             |             | —           | 32  | 65         |    |
| 262             |             | —           | 01  | 26         |    |
| 263             |             | —           | 02  | 52         |    |
| 264             |             | —           | 26  | 35         |    |
| 269             |             | —           | —   | 51         |    |
| 270             |             | —           | 23  | 04         |    |
| 278             |             | —           | 03  | 24         |    |
| 281             |             | —           | 12  | 53         |    |
| नामखेडा         |             | 282         | —   | 07         | 92 |
|                 |             | 285         | —   | 10         | 48 |
|                 | 286         | —           | 14  | 76         |    |
|                 | 78/772      | —           | —   | 45         |    |
|                 | 236/799     | —           | 01  | 08         |    |
|                 | योग         | 42          | 5   | 15         | 25 |

[संख्या घा. -- 14016/1/92 -- सी. पी.]

राजीव मेहरि, निदेशक

New Delhi, the 30th July, 1992

S.O. 2104.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Ganapan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khetli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by Legal Practitioner.

## SCHEDULE

Pipeline from Boreri to Gadepan

State: Rajasthan District: Baran Tehsil: Mangrol

| Village  | Survey No. | Hectare | Are | Centiare |
|----------|------------|---------|-----|----------|
| 1        | 2          | 3       | 4   | 5        |
| Tamkhera | 08         | —       | —   | 45       |
|          | 46         | —       | 11  | 70       |
|          | 47         | —       | 19  | 44       |
|          | 49         | —       | —   | 54       |
|          | 50         | —       | —   | 25       |
|          | 57         | —       | —   | 18       |
|          | 58         | —       | 10  | 80       |
|          | 59         | —       | 03  | 60       |
|          | 60         | —       | 27  | 54       |
|          | 62         | —       | 09  | 00       |
|          | 63         | —       | 25  | 56       |
|          | 64         | —       | 14  | 04       |
|          | 65         | —       | —   | 56       |
|          | 67         | —       | —   | 72       |
|          | 154        | —       | 02  | 88       |
|          | 181        | —       | 01  | 44       |
|          | 182        | —       | 07  | 20       |
|          | 183        | —       | 17  | 28       |
|          | 185        | —       | 04  | 32       |
|          | 186        | —       | 17  | 46       |
|          | 187        | —       | 09  | 36       |
|          | 189        | —       | 41  | 58       |
|          | 191        | —       | 01  | 32       |
|          | 233        | —       | 28  | 80       |
|          | 234        | —       | 10  | 08       |
|          | 235        | —       | 09  | 36       |
|          | 236        | —       | 18  | 41       |
|          | 250        | —       | 62  | 96       |
|          | 253        | —       | 21  | 60       |
|          | 255        | —       | 32  | 65       |
|          | 262        | —       | 01  | 26       |
|          | 263        | —       | 02  | 52       |
|          | 264        | —       | 26  | 35       |
|          | 269        | —       | —   | 54       |
|          | 270        | —       | 23  | 04       |
|          | 278        | —       | 03  | 24       |
|          | 281        | —       | 12  | 53       |

| 1        | 2       | 3 | 4  | 5  |
|----------|---------|---|----|----|
| Tamkhera | 282     | — | 07 | 92 |
|          | 285     | — | 10 | 48 |
|          | 286     | — | 14 | 76 |
|          | 78/772  | — | —  | 45 |
|          | 236/799 | — | 01 | 08 |
| Total    | 42      | 5 | 15 | 25 |

[No. O- 14016/1/92—G.P.  
RAJIV MEHRISHI, Director

नई दिल्ली, 30 जुलाई 1992

का. आ. सं. 2105 —यन: केन्द्रीय सरकार का यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गडैपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाईप लाईन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यन: प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यन: अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की (उपधागा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., आनन्द भवन ऐनेक्सी सुभाष राड खेजली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चिततया यह भी नबन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी को मार्फत।

## अनुसूची

बोरेरी गडैपान (जिला कोटा) पाईप लाईन—

| राज्य—राजस्थान | जिला—बारा  | तहसील—मंगरोल         |
|----------------|------------|----------------------|
| नाम ग्राम      | खमरा नम्बर | हेक्टर एयर वर्ग मीटर |
| काचरी          | 347        | — 02 81              |
|                | 348        | — 31 64              |
|                | 350        | — 23 99              |
|                | 351        | — 24 43              |
|                | 353        | — 18 00              |
|                | 354        | — 10 66              |
|                | 367        | — 18 36              |
|                | 373        | — 18 72              |
|                | 374        | — 02 88              |
|                | 386        | — 80 57              |
|                | 398        | — 10 09              |
|                | 405        | — 45 43              |
|                | 424        | — 01 28              |



## बोरेरी गढ़ेपान (जिला बारा) पाइप लाइन—

राज्य—राजस्थान जिला—बारा तहसील—मांगरोल

| नाम ग्राम | खसरा नम्बर | हेक्टर | एयर | वर्ग मीटर |
|-----------|------------|--------|-----|-----------|
| काचरी     | 313/425    | —      | 02  | 52        |
|           | 348/428    | —      | 02  | 88        |
|           | 424/468    | —      | 02  | 16        |
|           | 423/480    | —      | 15  | 84        |
| योग       | 17         | 03     | 12  | 38        |

[सं ओ --14016/1/92--जी पी]

राजीव महर्षि, निदेशक

New Delhi, the 30th August, 1992

S.O 2105.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Ganepan Gas Pipeline Project, Anand Bhawan Annexec. Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Baran Tehsil Mangrol

| Village | Survey No. | Hectare | Are | Centiare |
|---------|------------|---------|-----|----------|
| Kacheri | 347        | —       | 02  | 84       |
|         | 348        | —       | 31  | 68       |
|         | 350        | —       | 23  | 99       |
|         | 351        | —       | 24  | 48       |
|         | 353        | —       | 18  | 00       |
|         | 354        | —       | 10  | 66       |
|         | 367        | —       | 18  | 36       |
|         | 373        | —       | 18  | 72       |
|         | 374        | —       | 02  | 88       |
|         | 396        | —       | 80  | 57       |
|         | 398        | —       | 10  | 09       |
|         | 405        | —       | 45  | 43       |
|         | 424        | —       | 01  | 28       |

## SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Baran Tehsil : Mangrol

| Village | Survey No. | Hectare | mre | Centiare |
|---------|------------|---------|-----|----------|
| Kacheri | 333/425    | —       | 02  | 52       |
|         | 348/428    | —       | 02  | 88       |
|         | 424/468    | —       | 02  | 16       |
|         | 423/480    | —       | 15  | 84       |
| Total   | 17         | 3       | 12  | 38       |

[No. O—14016/1/92-G.P.]

RAJIV MEHRISHI, Director

नई दिल्ली, 30 अगस्त, 1992

का. आ. सं. 2106—यह केन्द्रीय सरकार की यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान में गढ़ेपान (कोटा) तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एनडपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उमें उपयोग का अधिकार अर्जित करने का अपना आशय एनडपाबद्ध घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उक्त भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम अधिकारी भारतीय गैस प्राधिकरण लि० आन्द भवन अनेक्सी, मुभाप रोड, खेडली फाटक, कोटा को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कबन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

## अनुसूची

बोरेरी गढ़ेपान (जिला कोटा) पाइप लाइन—

राज्य—राजस्थान जिला—बारा तहसील—मांगरोल

| नाम ग्राम | खसरा नम्बर | हेक्टर | एयर | वर्ग मीटर |
|-----------|------------|--------|-----|-----------|
| पलमावा    | 19         | —      | 10  | 80        |
|           | 21         | —      | 02  | 50        |
|           | 22         | —      | 02  | 16        |
|           | 23         | —      | 06  | 84        |
|           | 24         | —      | 11  | 52        |
|           | 25         | —      | 12  | 24        |
|           | 26         | —      | 25  | 92        |
|           | 65         | —      | —   | 54        |
|           | 70         | —      | 09  | 00        |
|           | 71         | —      | 27  | 69        |

## जन श्रम परिचालन गतान्त

(नोबलन खण्ड)

नई दिल्ली, 30 जुलाई, 1992

|        |         |    |    |    |
|--------|---------|----|----|----|
| पलसावा | 72      | —  | 04 | 32 |
|        | 73      | —  | 03 | 06 |
|        | 79      | —  | 03 | 24 |
|        | 80      | —  | 09 | 72 |
|        | 81      | —  | —  | 72 |
|        | 82      | —  | 14 | 40 |
|        | 135     | —  | 16 | 55 |
|        | 26/1003 | —  | 03 | 53 |
| योग    | 18      | 01 | 68 | 75 |

[मं. ओ.—14016/1/92—जी पी]

राजीव महर्षि, निदेशक

New Delhi, the 30th August, 1992

S.O. 2106.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from H.B.J. in Boreri (Baran Distt.) to Gadepan (Kota Distt.) Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Boreri Gadepan Gas Pipeline Project, Anand Bhawan Annexe, Subhash Road, Khesli Fatak, Kota.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

Pipeline from Boreri to Gadepan

State : Rajasthan District : Kota Tehsil : Mangrol

| Village | Survey No. | Hectare | Acre | Centiare |
|---------|------------|---------|------|----------|
| Palsawa | 19         | —       | 10   | 80       |
|         | 21         | —       | 02   | 50       |
|         | 22         | —       | 02   | 26       |
|         | 23         | —       | 06   | 84       |
|         | 24         | —       | 11   | 52       |
|         | 25         | —       | 12   | 24       |
|         | 26         | —       | 25   | 92       |
|         | 65         | —       | —    | 54       |
|         | 70         | —       | 09   | 00       |
|         | 71         | —       | 27   | 69       |
|         | 72         | —       | 04   | 32       |
|         | 73         | —       | 03   | 06       |
|         | 79         | —       | 03   | 24       |
|         | 80         | —       | 09   | 72       |
|         | 81         | —       | —    | 72       |
|         | 82         | —       | 14   | 40       |
|         | 135        | —       | 18   | 35       |
|         | 26/1003    | —       | 03   | 53       |
| Total   | 18         | 01      | 66   | 75       |

[No. O—14016/1/92—G.P.]

RAJIV MEHRISHI, Director

## कारणो

## अधिकार का पदाभिधान

## क्षेत्र

- महानिदेशक, उप महा निदेशक, निदेशक (सुरक्षा), उप निदेशक (सुरक्षा) डाक सुरक्षा प्रसाद, महानिदेशालय के मुख्यालय का कार्यालय, कारखाना मन्त्रालय सेवा और श्रम संस्थान, मुम्बई।
- उप निदेशक (सुरक्षा), निरीक्षणान्त, मुम्बई पत्तन, जवाहर लाल नेहरू पत्तन, मारमुगाव और कांडला।
- उप निदेशक (सुरक्षा) निरीक्षणालय, डाक सुरक्षा, कलकत्ता कलकत्ता पत्तन, जिनके अंतर्गत हल्दिया, पैरादीप और बिनाखा-पत्तन है।
- उप निदेशक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, मद्रास पत्तन मद्रास, तूतीकोट्ट, कोच्चन और स्पू मैंगलोर।
- सहायक निदेशक (सुरक्षा), अपर सहायक निदेशक (सुरक्षा), तकनीकी सहायक (सुरक्षा), निरीक्षणालय डाक सुरक्षा, मुम्बई।
- सहायक निदेशक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, मारमुगाव पत्तन।
- सहायक निदेशक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, कांडला पत्तन।
- सहायक निदेशक (सुरक्षा), अपर सहायक निदेशक (सुरक्षा) और तकनीकी सहायक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, कलकत्ता कलकत्ता और हल्दिया पत्तन।
- सहायक निदेशक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, पैरादीप पत्तन।
- सहायक निदेशक (सुरक्षा) और तकनीकी सहायक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, मद्रास पत्तन।

| (1)  | (2)                | 1  | 2                             |
|--|--------------------|--|-------------------------------|
| 12. सहायक निदेशक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, तूतीकोरिन  | तूतीकोरिन पत्तन    | 6. Assistant Director (Safety), Inspectorate Dock Safety, Mormugao.  | Port of Mormugao.             |
| 13. सहायक निदेशक (सुरक्षा) निरीक्षणालय डाक सुरक्षा, न्यू मैंगलोर   | न्यू मैंगलोर पत्तन | 7. Assistant Director (Safety), Inspectorate Dock Safety, Kandla.  | Port of Kandla.               |
| 14. सहायक निदेशक (सुरक्षा), प्रवर सहायक निदेशक (सुरक्षा), निरीक्षणालय डाक सुरक्षा, कोचीन   | कोचीन पत्तन        | 8. Assistant Director (Safety), Additional assistant Director (Safety) and Technical Assistant (Safety), Inspectorate Dock Safety, Calcutta. | Ports of Calcutta and Haldia. |
| [फा.सं. एम आर- 11020/4/88-एम ए.]   |                    | 9. Assistant Director (Safety), Inspectorate Dock Safety, Visakhapatnam.   | Port of Visakhapatnam.        |
| जे. स. पंत, प्रवर सचिव   |                    | 10. Assistant Director (Safety), Inspectorate Dock Safety, Paradip.  | Port of Paradip.              |
| MINISTRY OF SURFACE TRANSPORT  |                    | 11. Assistant Director (Safety) and Technical Assistant (safety), Inspectorate Dock Safety, Madras.  | Port of Madras.               |
| (Shipping Wing)  |                    | 12. Assistant Director (Safety), Inspectorate Dock Safety, Tuticorin.  | Port of Tuticorin.            |
| New Delhi, the 30th July, 1992   |                    | 13. Assistant Director (Safety), Inspectorate Dock Safety, New Mangalore.  | Port of New Mangalore.        |
| (MERCHANT SHIPPING)  |                    | 14. Assistant Director (Safety), Additional Assistant Director (Safety), Inspectorate Dock Safety, Cochin.                                   | Port of Cochin.               |
| S.O. 107.—In exercise of the powers conferred by sub-section (i) of Section 4 of the Marking of Heavy Package Act, 1951 (39 of 1951) and in supersession of the notification of the Government of India in the late Ministry of Shipping and Transport (Transport Wing), No. S.O. 1119 dated the 20th April, 1969, the Central Government, hereby appoints, with effect on and from the Date of Publication, the officers specified in column (1) of the Table below to be Inspectors for the purpose of the said Act, and assigns to them the area specified in the corresponding entry in column (2) thereof:— |                    | [F.No.SR—11020/4/88—MA]<br>J. C. PANT, Under Secy.   |                               |

TABLE

| Designation of Officer   | Area   |
|--|--|
| 1  | 2  |
| 1. Director General, Deputy Director General, Director (Safety), Deputy Director (Safety) of Dock Safety Division in the headquarters office of the Directorate General, Factory Advice Service and Labour Institutes, Bombay. | All Major Ports.   |
| 2. Deputy Director (Safety), Inspectorate Dock Safety, Bombay.   | Ports of Bombay, Jawahar Lal Nehru Port, Mormugao and Kandla.  |
| 3. Deputy Director (Safety), Inspectorate Dock Safety, Calcutta.   | Ports of Calcutta including Haldia, Paradip and Visakhapatnam. |
| 4. Deputy Director (Safety), Inspectorate Dock Safety, Madras.   | Port of Madras, Tuticorin, Cochin and New Mangalore.           |
| 5. Assistant Director (Safety), Additional Assistant Director (Safety), Technical assistant (Safety), Inspectorate Dock Safety, Bombay.  | Ports of Bombay and Jawaharlal Nehru Port.                     |

## असम मंत्रालय

नई दिल्ली, 13 जुलाई, 1992

का.प्र. 2108 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रिय सरकार कलैक्टर आफ कस्टमस साहार एयरपोर्ट बम्बई के प्रबन्धसंल के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिकरण न. 2, बम्बई के पंचपट को प्रकाशित करता है, जो केन्द्रिय सरकार को 9-7-92 को प्राप्त हुआ था।

[सं. एल-42011/69/90-आई.आर. (डो.पू.) (पट्टे)]

के.वी.बी. उन्नी, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 13th July, 1992

S.O. 2108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Collector of Customs, Sahar Airport, Bombay and their workmen, which was received by the Central Government on 9-7-92.

[No. L-42011/69/90-IR(DU) (Pb.)]

K. V. B. UNNY, Desk Officer

**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL**  
**TRIBUNAL NO. 2, BOMBAY**

**PRESENT :**

**SHRI P. D. APSHANKAR**  
**PRESIDING OFFICER**

Reference No. CGIT-2/47 of 1991

**PARTIES :**

Employers in relation to the management of Collector of Customs, Sahar Airport.

Bombay

AND

Their Workmen

**APPEARANCES :**

For the Management.—No Appearance.

For the Workmen.—Mr. Y. R. Singh, Advocate.

**INDUSTRY :** Customs                      **STATE :** Maharashtra.  
Bombay dated the 30th June, 1992

**AWARD**

The Central Government by their order No. L-42011/69/90-IR(DU) dated 7-11-1991 have referred the following Industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the Collector of Customs (Admn.) Air Customs Pool, Sahar Air Port, Bombay in terminating the services of 13 casual loaders viz.

- (1) Sh. Ranjan V. R. Rane
- (2) Sh. Devidas Abhang
- (3) Sh. Ravindra Bhoir
- (4) Sh. D. D. Shedje
- (5) Sh. Y. R. Kharat
- (6) Sh. Sharad Rahul
- (7) Sh. Sunil Kuchekar
- (8) Sh. Sangay Palav
- (9) Sh. Jagat N. F. Patel
- (10) Sh. V. C. Tadke
- (11) Sh. A. S. Londhe
- (12) Sh. S. Patel
- (13) Sh. R. R. Patel

w.e.f. 8-4-1990 is justified ?

If not what relief they are entitled to ?”

The case of the said workmen in question as disclosed from the statement of claim (Ex. 2) filed by them, in short, is thus :

They were the employees working with the Collector of Customs, Sahar Airport, Bombay. Some of the said workmen were employed in service in February, 1989, and some were employed in March, 1989. They were in continuous service of the said management without any break, technical or otherwise till their services were terminated by the management. They were working as loaders at Sahar International Airport. They were discharging their duties to the satisfaction of their superior officers. While they were regularly attending to their duties to their surprise, on 6-4-1990 the management issued an order to them removing them from their services with effect from 7-4-1990. No reason was mentioned for the discontinuance of their services. Thereafter the said workmen made the necessary representation to the management, but they did not pay any heed to

it. Hence the dispute was raised before the Conciliation Officer Bombay. However, those proceeding ended in failure. Therefore, the Central Government made the reference as above.

2. The workmen further alleged thus :

They were in continuous service of the management without any break for more than one year, and as such, the termination of their services without following the provisions of 25 F of the Industrial Disputes Act, was unjust and illegal. They were not issued one month's notice before the termination of their services, nor they were paid one month's pay in lieu of the notice and were also not paid the retrenchment compensation. The management also contravened the provisions contained in Section 25 G and 25 H of the Industrial Disputes Act, 1947. The management did not also display the seniority list as required under Rule 77 of the Industrial Disputes Act (Central) Rules, which is mandatory. They were not the casual labourers but were the temporary employees. Their termination of services is unjust and illegal. The workmen, therefore, prayed that this Tribunal should set aside the order of the termination of their services, and should direct the management to reinstate them in services with full back wages and continuity of services with effect from 7-4-1990.

3. The notice of the present reference was duly served upon the management. The representative of the management remained present on 17-1-1992, and on 20-2-1992. However, thereafter, the management remained absent on the subsequent dates i.e. on 16-4-1992, 6-5-1992, and 21-5-1992. As such the present reference proceeded *ex parte* against them.

4. Shri J. F. Patel, one of the workmen, filed his affidavit (Ex. 3) in support of the case of the workmen. As the management remained absent, what the said workman stated in his affidavit, has gone unchallenged. I see no reason to disbelieve any of the statements made by that workman in his affidavit. From the statement of Claim and from the said affidavit, I find that the said workmen were in continuous services of the management for one year, i.e. for more than 240 days. As such they were entitled to one month's notice, or one month's pay in lieu of notice, and to the retrenchment compensation, as contemplated under Section 25 F of Industrial Disputes Act, 1947. However, no such wages or compensation was paid to them by the management. Therefore, the termination of their services by the management is unjust and illegal, and hence they are entitled to reinstatement in services with full back wages and the continuity of services with effect from 7-4-1990.

5. Hence the following Award is passed.

**AWARD**

The action of the Collector of Customs (Admn.) Air Customs Pool, Sahar Air Port, Bombay in terminating the services of 13 casual loaders is unjust and illegal.

The collector of customs (Admn.) Air Customs Pool, Sahar Air Port, Bombay, is hereby directed to reinstate the said 13 workmen in service immediately with effect from 7-4-1990 with continuity of services and with full back wages, and the other service benefits.

The parties to bear their own costs of this Reference.

P. D. APSHANKAR, Presiding Officer

मई दिल्ली, 13 जुलाई, 1992

का.घा.2109.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जोफ पोस्ट मास्टर जनरल सखनऊ के प्रभुत्व के संकेत नियोजकों और उनके कामकाजों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरायक औद्योगिक प्रधिकरण कावपुर के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-92 को प्राप्त हुआ था।

[सं. एल.-40012/191/90-IR(DU)(Pt.)]

के.बी.बी. उष्णी, हेरक अधिकारी

New Delhi, the 13th July, 1992

नई दिल्ली, 13 जुलाई, 1992

S.O. 2109.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Post Master General, Lucknow and their workmen, which was received by the Central Government on 10-7-92.

[No. L-40012/191/90-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 133 of 1991

Sri Rohitash Kumar,  
C/o. M. Shakeel  
1 Abdul Aziz Akbari Gate,  
Lucknow.

AND

The Chief Post Master General,  
U. P. Circle,  
Lucknow.

## AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-40012/191/90-I.R. (D.U.) dt. 12-9-91, has referred the following dispute for adjudication to this Tribunal :—

Whether the Chief Post Master General U.P. Circle Lucknow is justified in terminating the services of Sri Rohitash Kumar S/o. Sri Muthan Lal unskilled worker w.e.f. 2-4-90 ? If not what relief he is entitled to ?

2. The workman's case is that he was appointed as a workman for cleaning furniture, doing the job of peon, farrash and messenger on casual basis on 13-3-88 and he had worked for more than 240 days continuously during the years 1988-89 & 1989-90. He alleges that when he made representation for regularisation of his services and for payment of wages to him equal to that of a regular employee on the principle of equal wages for equal work, the management malafide terminated his services w.e.f. 2-4-90, without giving him any notice or notice pay and without payment of retrenchment compensation to him. According to him after the termination of his services the management appointed a number of new hands on regular basis without giving him any chance of reemployment. He has, therefore, prayed for his reinstatement in service with full back wages and all consequential benefits.

3. The case has proceeded exparte against the management. The workman was corroborated his case by means of his affidavit with which he has filed the photocopy of a certificate dt. 23-3-90 given to him by Chief post Master General U.P. Lucknow. In the certificate it is stated that the workman had worked as Sweeper on casual basis from 14-3-88 to 23-3-90.

4. Thus there is a clear breach of the provisions of Section 25F I.D. Act, hence he is entitled to his reinstatement with full back wages.

5. Held that the action of the management in terminating the services of the workman is not only illegal but also unjustified. Accordingly, the workman is held entitled to his reinstatement with full back wages.

6. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

का आ 2110:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चोक पोस्ट मास्टर जनरल लखनऊ, के प्रबन्धन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पक्षपक्ष की प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-92 को प्राप्त हुआ था।

[स एल-40012/190/90-आई.आर. (डी.यू.) (भाग)]

के.वो.बो. उपाय, डेस्क अधिकारी

New Delhi, the 13th July, 1992

S.O. 2110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Post Master General, Lucknow and their workmen, which was received by the Central Government on 10-7-92

[No. L-40012/190/90-IR(DU)(Pt.)]

K. B. V. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 128 of 1991

In the matter of dispute between :—

Sri Ramesh C/o. Sri M. Shakeel,  
1 Abdul Aziz Road,  
Akbari Gate Lucknow.

AND

The Chief Post Master General,  
U. P. Circle,  
Lucknow.

## AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-40012/190/90.I.R. (D.U.) dt. 11-9-91, has referred the following dispute for adjudication to this Tribunal :—

Whether the Chief Post Master General U.P. Circle Lucknow is justified in terminating the services of Sri Ramesh S/o. Sri Madho Prasad unskilled Labour in Group 'D' w.e.f. 2-4-90 ? If not, what relief he is entitled to ?

2. The workman's case is that he was appointed as a workman for cleaning furniture, doing the job of peon farrash and messenger on casual basis on 10-4-89 and he had worked for more than 240 days continuously during the year 1989-90. He alleges that when he made representation for regularisation of his services and for payment of wages to him equal to that of regular employee on the principle of equal wages for equal work, the management malafide terminated his services w.e.f. 2-4-90 without giving him any notice or notice pay and without payment of retrenchment compensation to him. According to him after the termination of his services the management appointed a number of new hands on regular basis without giving him any chance of reemployment. He has, therefore, prayed for his reinstatement in service with full back wages and all consequential benefits.

3. The case has proceeded exparte against the management. The workman has corroborated his case by means of his affidavit with which he has filed a few documents.

4. Thus there is a clear breach of the provisions of Section 25F I.D. Act, hence he is entitled to his reinstatement with full back wages.

5. Held that the action of the management in terminating the services of the workman is not only illegal but also unjustified. Accordingly, the workman is held entitled to his reinstatement with full back wages.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 21 जुलाई, 1992

का.प्र. 2111.—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 15 के अनुसरण में, केन्द्रीय सरकार मद्रास टेलीफोन मद्रास के प्रबंधन के संबंध निवृत्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट का प्रकाशन करती है, जो केन्द्रीय सरकार को 15-7-92 को प्राप्त हुआ था।

[स. एल-40012/25/86-डी-2 (बी) (भाग)]

के बी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st July, 1992

S.O. 2111.—In pursuance of Section 1 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Telephones and their workmen, which was received by the Central Government on 15-7-92.

[No. L-40012/25/86-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 27th day of March, 1992

PRESENT :

THIRU M. GOPALASWAMY, B.Sc., B.L.,  
INDUSTRIAL TRIBUNAL

Industrial Dispute No. 40 of 1988

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of Madras Telephones, Madras.)

#### BETWEEN

Thiru P. Pachaiappan,  
No. 14, Teetes Garden,  
1st Lane, Perambur,  
Madras-600 011,

AND

The General Manager,  
Madras Telephones,  
Telephone House, Madras-600 001

REFERENCE :

Order No. L-40012/25/86-D.II(B) dt. 27-6-88 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 27th day of February, 1992 upon perusing the reference, claim and counter statements and all other material papers

on record and upon hearing the arguments of Thiru T. Feon Walter, Authorised Representative for the workman and of Thiru S. Seshadri, Central Government Pleader appearing for the management and this dispute having stood over till this day for consideration, this Tribunal made the following.

#### AWARD

This dispute between the workman and the management of Madras Telephones, Madras arises out of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-40012 85/86-D.II (B), dated 27-6-1988 of the Ministry of Labour, for adjudication of the following issue.

"Whether the action of the General Manager, Madras Telephones, Department of Telecommunications, P.T. Telephones House, Madras in ordering compulsory retirement of the workman Shri P. Pachaiappan, S. G. Gateman of Lellya Cross Bar Telephone Exchange with effect from 31-1-80 is justified? If not, what relief the said workman is entitled to?"

The Petitioner alleges as follows : He was working as S. G. Gateman of LCB Telephones Exchange, Madras. In the discharge of his duties, it was alleged in two complaints dated 25-11-84 and 7-11-84 that he has received Rs. 400 from Dr. Motilal as consideration for giving a temporary phone connection to Dr. Amarnath and converting the aluminium wires into copper wire in the telephone connection of Dr. Motilal. There was another complaint alleging that he received Rs. 100 from Dr. Navarathinam as illegal gratification for giving him a temporary phone connection. Charges were framed against the Petitioner under two articles, i.e. two heads. The charges are vague and devoid of particulars. The junior engineer of the Respondent got the signature of the Petitioner under threat and coercion on an alleged confession statement. At the domestic enquiry petitioner was not given copies of the basic documents. Two new witnesses not originally cited were examined by the management. Dr. Motilal did not give any evidence. The evidence of Dr. Navarathinam is quite insufficient. Copies of the domestic enquiry proceedings were not furnished to the petitioner till the findings were given and even till today. Hence the enquiry is vitiated and is in contravention of Rule 14 of C.C.S. Rules. The findings are perverse. The order for compulsory retirement of the petitioner is quite harsh and extreme.

3. The petitioner alleges in the additional claim statement as follows : The officer who passed the order of compulsory retirement is not competent to make it. He is not the appointing authority. The domestic enquiry officer has found that the charges under Article-I have not been proved. The punishing authority (disciplinary authority) has not been alive to this fact and he contrarily held that the charges under both articles had been proved.

4 The Respondents in their counter state as follows : Posts and Telegraph Department being a service organisation cannot be treated as an industry. The Petitioner has failed to prefer an appeal under the rules, challenging the order of compulsory retirement dated 31-1-1986. The charges are not vague. The Petitioner signed the confessional statement after voluntarily giving the statement and understanding the same. The petitioner was given ample opportunity to defend himself. Complaints given by subscriber Dr. Motilal have been proved by the additional management witnesses. The order of compulsory retirement was passed by a competent Officer. The charges have been proved by adequate evidence. The claim is liable to be dismissed.

5. The points for determination are :

- (1) Whether the domestic enquiry has been held fairly and in accordance with C.C.S rules and principles of natural justice ?
- (2) Whether the findings are perverse ?
- (3) Whether the order of compulsory retirement has been passed by the competent Officer and whether it is disproportionate ?

6. On behalf of the Petitioner-worker he was examined as W.W.1. For the Respondent, no oral evidence was given. Exs. W-1 to W-3 and M-1 were marked. W.W.1 Thiru Pachiappan testified that he did not receive any money from Dr. Motilal or Dr. Navarathinam as illegal gratification by promising that he would get certain services rendered by the superior Officers of the telephone department. The services were giving telephone service to Dr. Amarnath Solwlee, a relation of Dr. Motilal, conversion of aluminium wires into copper wires in the telephone connection of Dr. Motilal and giving a temporary phone connection to Dr. Navarathinam. The charges under Article-1 relating to the transaction with Dr. Motilal and Amarnath Solwlee are that the Petitioner received Rs. 600 in August, 1983 as bribe. The charge under article-2 is that he received Rs. 200 from Dr. Navarathinam in September, 1983. The acts of misconduct are in violation of rule 3(1)(i) and 3(1)(iii) of C.C.S. Rules, 1964. Dr. Motilal is said to have given two complaints dated 7-11-84 and 25-10-84. The complaint from Dr. Navarathinam is dated 16-1-1985. The alleged confession statement dated 23-2-85 is Ex. M-1. This has been made before the Assistant Engineer, Kellys Internal, Madras-10. Only after obtaining the alleged confession statement Ex. M-1, the charges were framed and the charge memo was issued to the Petitioner on 27-2-1985.

7. At the domestic enquiry, held by the Assistant Engineer Thiru Muthuswamy who was appointed as Enquiry Officer, Dr. Motilal did not turn up to give evidence. Only Dr. Navarathinam gave evidence. In order to prove the complaints given by Dr. Motilal, the management examined two additional witnesses Gopalakrishna Gupta and Sankara Subbu, both being employees of the Respondents. It is quite surprising that copies of the enquiry proceedings, that is, depositions of witnesses, copies of documents were never furnished to the Petitioner till the findings were given on 3-1-1986. This Tribunal has directed the Respondents to furnish a copy of the enquiry proceedings to the Petitioner in M. A. 39/89. Till today, the Respondents have not been able to file the record of the domestic enquiry proceedings and give a copy thereof to the Petitioner. The findings given by D.E.O. and the order of compulsory retirement passed by another Assistant Engineer on 20-1-86 are marked as Ex. W-2 series. On 13-3-86, the Petitioner's advocate has sent Ex. W-3 petition to the Secretary, Ministry of Communication, Government of India, stating that copy of the domestic enquiry proceedings was never furnished and that it should be furnished to the Petitioner to enable him to take further legal action. However, the copy is yet to be furnished. Failure of the Respondents to provide a copy of the domestic enquiry proceedings to the Petitioner is a serious defect which vitiates the entire domestic enquiry proceedings. It also deprives the Petitioner of fair opportunity to defend himself. I therefore find on Point No. 1 that the domestic enquiry has not been held fairly and in accordance with the principles of natural justice.

8. Even assuming that the domestic enquiry has been held properly in the absence of the record of evidence given by Dr. Navarathinam, which is not made available to us, we cannot hold that the charge under article-2 is proved. The confession statement Ex. M-1 allegedly given by W.W.1 to an Assistant Engineer is obviously affected by undue influence which is to be presumed when a statement is obtained by a higher official from a subordinate employee. Further more, the Assistant Engineer to whom the said confession was given has not been examined either in the domestic enquiry or in this Tribunal. I therefore hold that the finding on the charge under article-2 is not proved and that the domestic enquiry officer's finding is liable to be set aside. It is strange that the punishing authority has completely misunderstood the finding given by the domestic enquiry officer on the charges under article-1. When the Petitioner had been cleared of the charges under article-1 by the domestic enquiry officer the punishing authority would say that he has found the charges under article-1 also proved.

9. The Respondents have not shown the relevant service rule which defines the authority competent to award the punishment of compulsory retirement. In any view of the matter the petitioner could not suffer any punishment when

he is not proved to be guilty any of the charges. I therefore hold that the punishment of compulsory retirement is liable to be set aside and the Petitioner is entitled to be reinstated with all benefits. The points are answered accordingly.

10. In the result, an award is passed directing the Respondents to reinstate the Petitioner in service with continuity of service and pay him full back wages with all attendant benefits. No costs.

Dated, this 27th day of March, 1992.

THIRU M. GOPALASWAMY,  
INDUSTRIAL TRIBUNAL

#### WITNESSES EXAMINED

For Workman :

W.W.1 Thiru P. Pachiappan.

For Management.—None:

#### DOCUMENTS MARKED

For Workman :

Ex. W-1/27.2.85.—Memorandum of Assistant Engineer (Phones), Kellys Crossbar Exchange, Madras issued to Thiru P. Pachiappan proposing to hold an enquiry against him.

Ex. W-2 series.—Proceedings of the Disciplinary Authority dated 20-1-86 and findings of Inquiring Authority dated 3-1-86 (xerox copy).

Ex. W-3/13-3-86.—Petitioner from Thiru T. Fenn, Walter, Advocate addressed to the Secretary, Ministry of Communication, Government of India, New Delhi, Post Master General, Madras-2, and General Manager, Telephone House, Madras-1, intimating the non-furnishing of copy of enquiry proceedings to Thiru P. Pachiappan.

For Management :

Ex. M-1/23-2-85.—Confession statement given by Thiru P. Pachiappan to the Assistant Engineer, Kellys Internal, Madras-10.

नई दिल्ली, 14 जुलाई, 1992

का.आ. 2112:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, राज महल कले एण्ड सिलिका सैण्ड माईन्स आफ मै. जैन चाईना कले माईन्स (प्रा.) लि.) के प्रबन्धन के संबंध निधियों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-93 को प्राप्त हुआ था।

[संख्या एल-29011/5/90-आई.आर. (विधि)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th July, 1992

S.O. 2112.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajmahal Clay and Silica Sand Mines of M/s. Jain China Clay Mines (P) Ltd. and their workmen, which was received by the Central Government on the 13th July, 1992.

[No. L. 29011/5/90-IR(Misc.)]

B. M. DAVID, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

## PRESENT.

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 25 of 1991

## PARTIES :

Employers in relation to the management of Rajmahal Clay and Silica Sand Mines of M/s. Jain China Clay Mines (P) Ltd. and their workmen.

## APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri S. S. Mukherjee, Advocate.

STATE : Bihar. INDUSTRY : Silica Sand Mine.  
Dhanbad, the 30th June, 1992

## AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29011/5/90-IR (Misc.) dated, the 11-1-91.

## SCHEDULE

"Whether the action of the management of Rajmahal Clay and Silica Sand Mines of M/s. Jain China Clay Mines (P) Ltd. in stopping the workman on roll from work w.e.f. 11-10-89 by way of declaring closure of the estt. w.e.f. 11-10-89 without paying the compensation of closing down of the undertaking is justified? If so, to what relief the workmen are entitled?"

2. The present reference is coming for hearing since the beginning of 1991 and till the last day nobody turned up on behalf of the workmen in spite of the registered notices sent against them. Consequently no W.S. on behalf of the workmen could be filed and ultimately the Court had to proceed ex parte in the matter.

3. Shri S. S. Mukherjee, Advocate on behalf of the management has already been heard and he has also examined one Shri A. K. Sengupta as MW-1.

4. As per the case of the management it has got business of excavation of china clay and silica sand from lease hold property obtained from the State Government for a certain period subject to renewable for further period after expiry of the lease. In this way 2 leases for China Clay and Silica Sand over an area of 262 acres and 200 acres were taken in village Kaswa in Sahibganj District from the State Government. The said two leases were effective from 12-8-69 for a period of 20 years and as such both the leases expired on 13-8-89.

5. The management applied on 5-6-1988 for the renewal of two leases namely for 262 acres and 200 acres respectively. But the State Government sat silent over the matters amounting to rejection of the renewal of the application. Against the said deemed rejection the management filed the revision application under rules 54 Mineral Concession Rule, 1960 before the Central Government. The two revisions dated 20-12-88 and 31-3-89 were filed for 200 acres and 262 acres of the lease hold property respectively. The Central Government by order dated 12-1-89 directed the State Government to pass speaking order within 200 days and it was in relation to 200 acres of lease hold. Similarly by an order dated

12-5-89 the Central Government issued similar direction with regards to 262 acres of lease hold property. But in spite of the above order of the Central Government the State Government kept mum so naturally the management was forced to close the undertaking with effect from 11-12-89 and necessary notices in this regard were sent to the RLC(C) and also to the workmen and the staff. The management submitted that the closure of the mine were for the reasons beyond the control of the management. It was submitted that the mines were being worked by floating labour and on the date of closure only 17 temporary casual workmen were on the roll and none of them had completed one year of continuous service. It was further submitted that the temporary workmen were offered and paid all their legal dues which they accepted without any protest. In this way it was submitted that this reference has got no merit and the workmen are not entitled to any relief.

6. Shri A. K. Sengupta MW-1 has stated the case of the management. He has been working in the company for the last 34 years. He stated that after the expiry of the period of lease the management had applied for its renewal. But the State Government kept silent over the matter. He has proved the application for renewal which is Ext. M-1. The witness stated that in spite of the necessary direction from the Central Government the State Government remained silent and the management was forced to close down the undertaking with effect from 11-10-89. Necessary notices had been sent to the authorities concerned and the workmen. The witness supported by stating that there were only 17 workmen as casual on the roll and none of them had completed one year continuous service.

7. The learned counsel while submitting over the matter has drawn my attention towards the provision contained under Section 25FFF of the I.D. Act, 1947 which provides the compensation to the workmen in case of closing down of undertakings. It provides as follows :—

"25-FFF. Compensation to workmen in case of closing down of undertakings—(1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of Section 25-F, as if the workman had been retrenched :

Provided that where the undertaking is close down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of Section 25F shall not exceed his average pay for three months."

8. The learned counsel submitted that the workmen could have been entitled for notice pay and the compensation in accordance with the provision of Section 25F provided they would have been in continuous service for one year in the undertaking. Apart from that the provision of the section says that in case the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workmen shall not exceed his average pay for three months. It was submitted that all the temporary workmen had been paid their due wages which they accepted without any protest. The word continuous service has been defined under Section 20B of the I.D. Act, 1947.

9 I have examined the provision as pointed out by the counsel and also keeping in view of the statement of the management and the evidence of MW-1 I am to hold the view that the management had to close down business which was beyond the control of the management and so naturally the management could not have been done anything save and except to send necessary notices to the concerned authorities and the staff.

10. In the result, I hold that the action of the management of Rajmahal Clay and Silica Sand Mines of M/s. Jain China Clay Mines (P) Ltd. in stopping the workmen on roll from work w.e.f 11-10-89 by way of declaring closure of



the estt. w.c.f. 11-10-89 without paying the compensation of closing down of the undertaking is justified and consequently the concerned workmen are not entitled to any relief.

B. RAM, Presiding Officer

नई दिल्ली, 11 जुलाई 1992

कांसां 2113—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन लि० वरौनी कानपुर पाईप लाईन डिविजन, बरौनी के प्रबंध-सम के मध्य नियोजकों और उनके कर्मचारों के बीच, प्रत्यक्ष में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नं० 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-92 को प्राप्त हुआ था।

[संख्या एल-30012/2/90-साई० आर० (निविष्ट)]

श्री०एम० डेविड, डेस्क अधिकारी

New Delhi, the 14th July, 1992

S.O. 2113.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Oil Corporation Ltd., Batauni Kanpur Pipeline Division Barauni and their workmen, which was received by the Central Government on the 13th July, 1992.

[No. L. 30012/2/90-IR (Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 127 of 1990

#### PARTIES :

Employers in relation to the management of Indian Oil Corporation Ltd., Barauni Kanpur Pipeline Division, Barauni.

Vs.

Their Workmen.

#### PRESENT :

Shri S. K. Mitra, Presiding Officer.

#### APPEARANCES :

For the Employers—Shri K. N. Gupta, Advocate.

For the Workmen—Shri D. K. Jha, Advocate.

STATE : Bihar.

STATE : Bihar.

Dated, the 29th June, 1992

#### AWARD

By Order No. L-30012/2/90-I.R. (Misc.), dated, the 29th May, 1990 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Indian Oil Corporation Ltd., Barauni Kanpur Pipeline Division, Barauni in terminating the services of Sri Satya Narayan Rai, Operator Gr. 'B' w.e.f. 15-1-1988 is justified. If not, what relief is the workman entitled to "

2. The case of the management of Indian Oil Corporation Ltd., Barauni-Kanpur Pipeline Division, Barauni, as disclosed in the written statement, details apart, is as follows :

The present reference is not maintainable as the Central Government did not reasonably form opinion about existence of industrial dispute between the management and the concerned workman. Satya Narayan Rai, the concerned workman was in the habit of neglecting his duties, absenting from duty unreasonably without information and sanction, disobeying the lawful order misbehaving with his superior and indulging in acts prejudicial to the interest of the Corporation. He never realised during the past few years that basically he was an employee of the Corporation and his duty was to serve the interest of the Corporation to the best of his sincerity and loyalty. He was also in the habit of writing frivolous application, making frivolous claim against the management and thus unnecessarily harassing and disturbing the management. He was promoted from Operator 'D' to Operator 'C' by letter dated 11th November, 1990 and was transferred to Mugalsarai as there was no sanctioned vacant post for Operator 'C' at Barauni. But instead of reporting for duty at Mugalsarai as Operator 'C', he submitted his joining report for duty at Barauni on 2nd March, 1981. His joining report was not accepted and returned to him on the same day. He did not explain reasonably as to why he was avoiding to join Mugalsarai as per the order. He continued to remain absent from his regular duties as Operator 'D'. He used to come to the Pump Station and used to sign illegally on the attendance register as Operator 'C'. On several occasions he was advised either to attend the shift duty as Operator 'D' at Barauni foregoing his promotion or to accept the post of Operator 'C' at Mugalsarai. He remained absent unauthorisedly from 2nd March, 1981 to 29th November, 1981. The General Manager during his visit to Barauni considered his case sympathetically. It was decided to allow him special leave as a special case for his period of absence. The offer was to adjust his period of absence against his earned leave standing to his credit and balance was to be treated as Extra Ordinary Leave without pay as special case. This offer was accepted by him and joined his duty as Operator 'D' on 29th November, 1981. His promotion was withdrawn as he refused to join Mugalsarai on promotion. Consequent upon implementation of the report of the Administrative Staff College, Hyderabad in 1982 a post of Operator 'C' fell vacant at Barauni and he was promoted to the Operator 'C' in Barauni in 1982. He was again promoted to the post of Operator 'B' on 15th May, 1984 in due course. During this period he also alleged harassment by the management by 'GOONDAS' etc. which was found to be baseless and malicious and frivolous. Knowing fully well about the leave sanctioned as stated earlier was accepted by him unconditionally, he started submitting applications to the Asstt. Labour Commissioner and the Inspector of Factories and making representations to various Ministries including Ministry of Petroleum and Natural Gas in number of occasions claiming wages for the aforesaid period of absence from 2nd March, 1981 to 29th November, 1981. The authorities were not informed by him about the full and correct fact and they started taking legal action against the management and the Ministries started making queries. But on being informed about the true facts they refused to entertain the application of the concerned workman. He did not stop his illegal activities and made complaint to the Asstt. Labour Commissioner (C). However, after coming to know the correct facts from the management the A.L.C.(C) did not find any merit and dropped the matter. Even after 1982 he indulged in activities which resulted in useless and improper harassment of the management. He was charge-sheeted for misconduct committed by him on 18th August, 1986 and 22nd August, 1986. Two separate charge-sheets were issued on 10th/19th September, 1986. He avoided to answer the charge-sheets by submitting his explanation. One of the two charge-sheets dated 10th/19th September, 1986 discloses the following acts committed by him.

(a) Negligence in discharge of duties;

(b) Dereliction of post;

The other charge-sheet of even date discloses the charges as under :

(a) Wilful insubordination whether alone or in combination with another or otherwise, if any, of lawful and reasonable order of superior;

(b) Devotion of post;

(c) Abusing showing disrespect etc. to superior authority whether on duty or outside.

His explanation to the charge-sheets not being found satisfactory, the management decided to hold domestic enquiry. In spite of several notices issued to him, he did not avail himself of the opportunity and tried to avoid the enquiry always on frivolous ground. The Enquiry Officer having no alternative had to proceed ex-parte. Oral and documentary evidence were adduced on behalf of the management before the Enquiry Officer. The Enquiry Officer submitted his report on 16th October, 1987 holding the concerned workman guilty of the charges levelled against him. The domestic enquiry was held fairly and reasonable opportunity was afforded to him to defend himself. Although proven misconduct of the concerned workman warranted deterrent punishment, the management took lenient view of the matter and awarded the punishment of reducing his rank from Operator 'B' to Operator 'C' grade. The concerned workman submitted an appeal before the Appellate Authority which was rejected and the same was communicated to him by letter dated 15th September, 1988. After awarding punishment its implementation was taken up. There was no vacant post of Operator 'C' at Barauni where the concerned workman could have been adjusted. In exercise of the administrative powers, the management transferred his services to Kanpur where Operator 'C' post was vacant. An Office Order in this regard was issued on 15th January, 1988 which was duly served on him. After coming to know that his services stood transferred to Kanpur, he for mala fide reasons attempted to give an application of leave from 16th January, 1988 to 24th January, 1988. The D.M.O. Barauni before whom application was filed immediately informed him orally that since the concerned workman stood transferred to Kanpur, he (D.M.O.) was not competent to receive any application from him. He was advised by D.M.O. (Barauni) vide letter dated 22nd January, 1988 sent through registered post to apply for leave to Authorities at Kanpur. But the letter was returned back with postal remark 'refused'. He was again informed by registered letter dated 4th April, 1988 that he did not join his duty at Kanpur. The reason for non-entertainment of his leave application was also communicated. The management gave him an option to join Kanpur within a week from the date of receipt of the letter, but not later than 18th April, 1988. A copy of the letter was displayed on the Notice Board and another copy was sent separately to him by ordinary post. But again the letter was returned with remark 'refused'. Then the management by another letter dated 26th April, 1988 gave him another opportunity to join at Kanpur latest by 4th May, 1988 failing which it would be deemed that he resigned from service of the Corporation. Again he did not join his appointment at Kanpur by 4th May, 1988. The management did not receive any response from him to its earlier communications extending him the opportunities to join service at Kanpur. He continuously remained absent unauthorisedly. His conduct was not satisfactory. He was found guilty of the charge alleged against him. In the circumstances, the management terminated the service of the concerned workman by letter dated 11th May, 1988. Keeping in view of his previous conduct and also on account of the fact that he continued to remain absent unauthorisedly and without information, the management could have dismissed him from service debarring him from all consequential benefits. The management has a right to establish the misconduct even for the first time before this Tribunal when no domestic enquiry was held into his misconduct. Reason for his termination of service was that he was in the habit of committing misconduct of unauthorised absence from duty, refusal to join the post at Kanpur, disobeying the lawful order of the management etc. It is neither desirable nor feasible to wait indefinitely for a technical person like him. His legal dues were also offered to him by cheque dated 11th May, 1988. In the circumstances the concerned workman filed a writ petition No. C.W.J.C. 380 of 1988 before Patna High Court and prayed for quashing of the order dated 13th January, 1988 awarding punishment of demotion and also the Office order dated 15th January, 1988 transferring him to Kanpur. The management contested the matter and his writ petition was dismissed. Despite this fact, he did not join his post at Kanpur. He filed another writ petition No. C.W.J.C. No. 433 of 1988 claiming for salary from 2nd March, 1981 to 29th November, 1981. He prayed for appropriate direction

of the Court upon the A.L.C. to dispose of his claim. Hon'ble High Court by order dated 27th January, 1988 directed A.L.C.(C) to dispose of the representation or to refer the matter to the appropriate authority. It is submitted that the action of the management is just and proper and the reliance be answered in favour of the management.

2. The case of the concerned workman, as disclosed in the written statement submitted by him, briefly stated, is as follows :

The concerned workman joined the service of Indian Oil Corporation Limited on 7th October, 1967 after due test and interview as Operator 'E'. The Corporation issued letter of appointment on 16th October, 1967 giving effect to appointment from 7th October, 1967. He was promoted from Operator Grade 'E' to Grade 'D' with effect from 9th February, 1973. He completed the probationary period successfully in Grade 'D' and subsequently he was promoted from Grade 'D' to Grade 'C' by letter dated 11th November, 1980. The order was, however, given on 12th February, 1981 and he was transferred to Mughalsarai. He protested against the order of transfer as one of the post of Operator was lying vacant at Barauni and there was no justification for transferring him to Mughalsarai. The management took step to get rid of him as he was a union activist being the Deputy General Secretary, I.O.C. Pipeline, Barauni-Kanpur. He, however continued to work as Operator 'C' at Barauni-Kanpur Pump Station. The management with certain ulterior motive withheld regular promotion order and issued officiating order to work as Operator 'C' and simultaneously ordered to work as Operator 'B' vide Office Order dated 21st December, 1981. The duty of Operator 'B' was however withdrawn with effect from 3rd January, 1982. He was promoted from Operator 'D' to Operator 'C' and he completed probationary period successfully as Operator 'C'. The Office order dated 21st October, 1982 issued by the management bears testimony to this fact. He was further promoted as Operator 'B' and posted at Barauni. He completed probationary period successfully in Grade 'B'. The Office Memo dated 14th January, 1985 issued by the management bears testimony to this fact. He was Deputy General Secretary of the union. He was required to espouse the cause of the members of the union with the management. Due to this the management developed grudge against him and the management some how and on some pretext or other wanted to get rid of him by ousting him from Barauni to Kanpur to weaken union's activities. The management subjected to him harassment in different ways in order to toe their line of action but when he did not yield to pressure, the management took extreme step to oust him from Barauni to Kanpur and ultimately the management demoted him from Operator 'B' to Operator 'C' and transferred him from Barauni Pipeline to Kanpur vide Office Order dated 15th January, 1988, although he completed probationary period satisfactorily. He applied for leave on 15th January, 1988 for 9 days from 16th January, 1988 to 24th January, 1988 which was duly signed in the Leave Register by the Shift Incharge of the Barauni Pump Station. Thereafter he fell ill and applied for leave on medical ground by application dated 24th January, 1988 sent under registered post. The management duly received the application on 29th January, 1988 but it kept silence over the issue though the Chief Operation Manager, Barauni Pipeline was the Head of Department of Barauni Kanpur Pipeline. Meanwhile he continued to remain ill upto 10th July, 1988. After recovery from illness he reported for duty on 11th July, 1988 by submitting joining report enclosing therewith medical certificate in support of his illness. This application was received by the management on 11th July, 1988. However, his joining report was not accepted by the management and was returned on 14th July, 1988 intimating that he was no longer in the employment of the Corporation. While he was ill, the management issued letter dated 4th April, 1988 asking him to resume his duty at Kanpur but not later than 18th April, 1988. Yet another letter was issued on 26th April, 1988 asking him to join at Kanpur latest by 4th May, 1988 explaining the reasons for absence from 15th January, 1988. It was mentioned in the letter that if he failed to report for duty on 4th May, 1988 it would be deemed that he had resigned from service from 15th May, 1988. The management issued another letter on 11th May, 1988 in which he was intimated that his name was struck off from the roll of the Corporation with immediate effect, he was intimated about payment of salary of 18 days for the month of January, 1988 by cheque. He, on receipt of letter dated 11th May, 1988

issued by the management, represented his case explaining circumstances in which he could not reply to earlier letter of the management. He also represented his case before the Hon'ble Minister for Petroleum & Natural Gas for his re-instatement. Indian Oil Pipe Line Employees' Association also represented his case. Finding no solution to his grievances, he approached the Government through Hon'ble Minister of State for Water Resources. Hon'ble Minister wrote a letter to the Petroleum & Natural Gas Minister and sent reminders. He ultimately approached Factory Inspector, Begusarai and filed representation on 5th September, 1989. The Factory Inspector expressed his inability to do with regard to termination of his services as he was not the appropriate authority and intimated the same by his letter dated 8th September, 1989. In the circumstances, he was constrained to raise the present industrial dispute before the A.L.C.(C), Patna. The A.L.C.(C), having failed to bring about amicable settlement, submitted his failure of conciliation report to the Government on 12th January, 1990. The action of the management in terminating his services on the alleged ground of voluntary resignation/abandonment of job is not justified. The management was also not justified in striking off his name from the roll with effect from 15th January, 1988. In the circumstances, the concerned workman has prayed for re-instatement in service with full back wages.

4. In rejoinder to the written statement of the concerned workman, the management has stated that the order promoting the concerned workman clearly stated that he was transferred on promotion as Operator 'C' to Barauni-Kanpur Pipe Line at Mughalsarai in place of Vidya Sagar, Operator 'C'. It is incorrect to say that the post of Operator 'C' was lying vacant at Barauni. The management has reiterated that the concerned workman remained absent from duty from 2nd March, 1981 to 29th November, 1981. He was demoted to the post of Operator 'C' on account of proved charge of misconduct against him. The management had no concern with the status of the workman as a union functionary. Besides, the management has reiterated the statements of facts as contained in the written statement.

5. In rejoinder to the written statement of the management, the concerned workman has stated that he being the Deputy General Secretary of I.O.C. Employees' Union affiliated to INTUC is sufficient to draw conclusion that he has a respectable character. During the course of strike in 1980 he attended his duties. The strike call was given by the recognised union (AITUC) and he was asked to leave the place of duty handing over charge to the Station Incharge even though there was no reliever. Consequent upon promotion of Ram Kumar Singh and Laxman Prasad from Operator 'C' to Operator 'B' two posts in Operator 'C' were lying vacant when he was promoted from Operator 'D' to Operator 'C'. The representation made on 6th April, 1981 by the General Secretary, I.O.C. Ltd. Employees' Union to the Senior Pipe Line Manager, I.O.C. Ltd., Pipe Line, Barauni bears testimony to this effect. It is wrong to state that he was on leave from 2nd March, 1981 to 29th November, 1981. Since he was not on leave and was denied wages he had to put up his grievances before the Government authorities under painful circumstances. It is alleged that the domestic enquiry held by the management is merely a formality. Besides the issue of domestic enquiry is not relevant to the reference made for adjudication. The statement of the management that he gave application on 15th January, 1988 for leave from 16th January, 1988 to 24th January, 1988 after the office order was issued is wholly incorrect. The leave application was given before the issue of the office order. He was not aware of any action taken by the management on his application dated 15th January, 1988. He has denied all the statements of facts made by the management impinging on his claim for re-instatement in service.

6. The management, in order to justify its action, has examined four witnesses, namely, MW-1 Ram Prakash, MW-2 K. K. Jha, MW-3 B. P. Satpathy and MW-4 Thomas Antony and laid in evidence a sheaf of documents which have been marked Exts. M-1 to M-41.

On the other hand, the concerned workman has examined himself and three other witnesses, namely, WW-1 S. K. Tiwary, WW-2 G. P. Srivastava and WW-3 R. R. Pillai and laid in evidence some items of documents which have been marked Exts W-1 to W-21.

7. The fascicle of facts germane to the present reference is underlined hereunder :

The concerned workman, Satya Narayan Rai, was appointed in the post of Operator 'E' at Haldia-Barauni-Kanpur Pipeline Project which was, admittedly, predecessor to Barauni-Kanpur Pipeline, after test and interview. The letter of appointment was issued in his favour on 15-10-67 (Ext. W-4 Ex. M-26) and he joined his post at Barauni on 7-10-1967 (Ext. W-5 and M-27). After working as Operator 'C' for over five years he was promoted as Operator 'D' and transferred to Barauni Pump Station by Office Order dated 9-2-73 (Ext. W-6). It appears that after working as Operator 'D' for over 8 years he was promoted as Operator 'C' and posted to Mughalsarai, away from Barauni vice Vidya Sagar by Office Order dated 11-11-80 (Ext. W-7—Ext. M-40). His transfer to Mughalsarai on promotion gave rise to an unpleasant circumstance. He has alleged in his pleading that although one post of Operator 'C' was lying vacant at Barauni and there was no justification for transferring him on promotion to Mughalsarai, and the management took step to get rid of him as he was a union activist being the Dy. General Secretary, I.O.C. Pipeline Employees Association.

The management has taken the plea that the concerned workman was promoted from the post of Operator 'D' to Operator 'C' by letter dated 11-11-80. The date of promotion and transfer as quoted in the pleading of the management is obviously erroneous as I have pointed out above that the Office Order was issued on 11-11-80. Anyway, the management has stated that he was transferred to Mughalsarai as there was no sanctioned vacant post for Operator 'C' at Barauni. It has been alleged by the management that instead of reporting at Mughalsarai as Operator 'C' he submitted joining report at Barauni itself on 2-3-81 and it was not accepted and returned to him on the same day. It has also been alleged by the management that he was asked to explain as to why he was avoiding to join Mughalsarai as per order and continued to remain absent from duty as Operator 'D'. It has been alleged further that he used to come to Barauni Pump Station and sign attendance register as Operator 'C' illegally. The concerned workman in his pleading has stated that he continued to work as Operator 'C' at Barauni-Kanpur Pump Station.

WW-1 S. K. Tiwary has been working in Barauni Oil Refinery. Earlier he was working as Junior Clerk and now he has been working as Senior Assistant after getting promotion. He has stated that he knows the concerned workman, Satya Narayan Rai, since 1976 and he knows it for a fact that the concerned workman is one of the office bearers of a trade union operating in Barauni Oil Refinery. According to him, the concerned workman was holding the post of Dy. General Secretary and had already put in service for approximately 21 years. He has alleged that since the concerned workman was an active member of the union and espousing the cause of the workmen the management was trying to transfer him from Barauni to elsewhere and also to dispense with his service. Shri Ram Kumar Singh described as General Secretary of the Indian Oil Corporation Ltd. (Pipe Lines Division) Employees Union, by a letter dated 6-4-81 addressed to the Senior Operations Manager, Indian Oil Corporation Ltd. Pipelines, Barauni complained that S. N. Rai, one of the office bearers of the union and active officials of the Employees Union was indirectly victimised by the management by posting him at Mughalsarai as Operator 'C' (Ext. W-20).

The management has taken the stance that the transfer of the concerned workman to Mughalsarai on promotion as Operator 'C' was necessary as there was no sanctioned vacant post of Operator 'C' at Barauni and that the transfer of the concerned workman to Mughalsarai was necessary under exigencies of circumstances and it does not manifest an act of victimisation. MW-4 Thomas Antony in his testimony has explained the position on behalf of the management. He has stated that he was posted at Barauni as Senior Personnel Administrative Officer from December, 1980 to May 1983. He has proved a chart disclosing the sanctioned post for the

establishment of the management at Barauni Pipeline as on 1980 which has been marked Ext. M-30. This chart discloses that there was only one post of Operator Gr. 'C' in Barauni Pipeline in 1980. Anyway, he has stated that the concerned workman submitted a representation praying for his retention at Barauni and the management forwarded his representation to the Head Office and later the management of Barauni was informed that the representation of the concerned workman could not be acceded to by the Head Office. He has proved the letter of the Head Office communicating the decision which has been marked Ext. M-31. The letter of the Head Office clearly spells out that since there is no post of Operator 'C' at Barauni his (concerned workman) request cannot be acceded to.

Anyway, it appears that the matter was resolved possibly at the intervention of the General Manager pleading of the management discloses that it was decided at the instance of the General Manager to consider the case of the concerned workman sympathetically as a special case and offer was to adjust the period of his absence against earned leave standing to his credit and the balance was to be treated as extra-ordinary leave without pay and that the offer was accepted by the concerned workman and he was allowed to join duty as Operator 'D' on 29-11-81 and his promotion was withdrawn consequent upon his refusal to join Mughalsarai on promotion. MW-4 Mr. Antony in his testimony has stated that instead of joining Mughalsarai, the concerned workman stayed at Barauni and continued to sign attendance register as Operator 'C' which he was not authorised to do. The management of Barauni Pipeline took a sympathetic view and forwarded his case to Head Office for consideration and the Head Office agreed with the Barauni management and decided to take a lenient view with regard to his absence from 2-3-81 to 23-11-81. He has proved the letter of the Head Office communicating the decision which has been marked as Ext. M-36. This letter discloses that the concerned workman had reported for duty at Operator 'D' in his regular shift on 29-11-81 and taking a lenient view it has been decided by the management that the absence of the concerned workman from duty may be regularised by granting him leave as due and the remaining period as leave without pay to avoid break in service. According to the management, he joined as Operator 'D' at Barauni on 29-11-81. The Office Order issued by the management dated 21-12-81 (Ext. W-8) indicates that the management allowed the concerned workman, Operator 'D' to officiate as Operator 'C'. He was promoted to perform the duty of Operator 'D' with effect from 21-12-81 till further orders and during the officiating period he was entitled to draw 10 per cent of his basic pay presumably as officiating allowance. Anyway, the pleading of the management discloses that in view of implementation report of Administrative Staff College, Hyderabad in 1982 a post of Operator 'C' fell vacant at Barauni and the concerned workman was promoted to the post of Operator 'C' at Barauni in 1982. The Office Order issued on 21-10-82 (Ext. W-1) discloses that the concerned workman successfully completed his probationary period as Operator 'C' and was posted at Barauni. Thereafter he got promotion as Operator 'B' by Office Order dated 7-5-84 (Ext. W-2) and posted at Barauni-Kanpur Pipeline at Barauni itself. He was kept on probation for six months from the date of his promotion. By Office Memorandum dated 14-1-85 (Ext. W-3) he was informed that he had satisfactorily completed his probationary period on 14-11-84.

8. The management has alleged that although the concerned workman accepted the position of his leave having been sanctioned by the management earlier for the period from 2-3-81 to 29-11-81, he started filing applications to the A.L.C. (C), Inspector of Factories and representation to the Ministry of Petroleum and Natural Gas and filed writ petition before Hon'ble High Court claiming wages for the period aforesaid. These actions of the concerned workman perhaps annoyed the management; it leapt into action. It appears that two charge-sheets dated 10-9-86 were issued against the concerned workman with regard to the incident which took place on 18-8-86 and 22-8-86. For the incident which allegedly took place on 18-8-86 the concerned workman was arraigned on charge for having committed misconduct of negligence in discharging of duties desertion of post in the charge-sheet dated 10-9-86 (Ext. M-1). Over the inci-

dent which allegedly took place on 22-8-86 he was arraigned on charge for having committed wilful insubordination whether alone or in combination with another or otherwise if any, of lawful and reasonable order of superior, desertion of post, and abusing showing disrespect etc. to superior authority whether on duty or outside. (Ext. M-11).

It appears that the concerned workman did not attend the domestic enquiry, it was held ex-parte and the concerned was found guilty of the charges levelled against him. The management has produced and proved entire domestic proceedings, enquiry report, marked Exts. M-2 to M-7.

Shri D. K. Jha, learned Advocate for the concerned workman has assailed the domestic enquiry. His contentions are that the concerned workman was not provided with a copy of the domestic enquiry report, that the report of the Enquiry Officer is perverse and since the relevant provision of the Standing Orders of the Company has given enormous power to the management, it should be struck down.

Shri K. N. Gupta, learned Advocate for the management, has countered the argument by submitting that a copy of the report was provided to the concerned workman as envisaged in the Certified Standing Orders, that the report of the Enquiry was based on evidence on record and not perverse and that the management has not usurped unbridled powers as enshrined in the Certified Standing Orders. The evidence on record indicates that a copy of the enquiry report was provided to the concerned workman (Ext. M-4/1). Since the fairness and otherwise of domestic enquiry held by the management does not squarely fall for my consideration in the present reference. I refrain from pronouncing any opinion in the matter. The issue as to whether the management has usurped enormous power to itself in the provision of the Certified Standing Orders cannot be decided by this Tribunal.

9. The fall-out of the domestic enquiry and the report of the Enquiry Officer finding the concerned workman guilty of the charges levelled against him was that two Office Orders dated 13/14-1-88 (Ext. M-9) and dated 15-1-88 (Ext. M-10—Ext. W-9) were issued against him. By the earlier order dated 13/14-1-88 the competent authority awarded punishment of reduction of his rank from Operator 'B' to the next lower grade of Operator 'C' and by later Office Order he was transferred to Kanpur and released from his present post at Barauni in the afternoon of 18-1-88.

10. The concerned workman did not join his post at Kanpur. He submitted an application for earned leave on 15-1-88 on the ground of domestic work for the period from 16-1-88 to 24-1-88 (Ext. M-13=W-10). The management did not, however entertain his application. Shri Gupta, learned Advocate for the management, has contended that his application was not entertained as it was not submitted in conformance to the provision of Certified Standing Orders. But the Dy. Manager, Barauni Pump Station has ascribed different reasons for not entertaining his application. He has stated in his letter dated 22-1-88 (Ext. M-13) that since the concerned workman was transferred to Kanpur and released from Barauni on 18-1-88, his application for leave could not be entertained. Anyway, the fact remains that his application for leave was not granted. The pleading of the concerned workman discloses that he sent an application dated 24-1-88 by registered post on 25-1-88 on medical ground and this application was received by the management on 29-1-88. The management has admitted to have received this application for leave but has taken the plea that it was not entertained as he was already advised to apply for leave at Kanpur. The pleading of the concerned workman discloses that he continued to remain ill upto 10-7-88 and he reported for duty on 11-7-88 alongwith medical certificates in support of his illness (Exts. W-16, W-17 and W-18). The medical certificates disclose that the concerned workman was lying ill and was under the treatment of medical practitioner from 7-2-88 to 5-5-88 (Ext. W-17) and from 6-5-88 to 10-7-88 (Ext. W-18). Another medical certificate (Ext. W-11) indicates that he was under the treatment of medical practitioner for high fever from 24-1-88. It appears that meanwhile his father expired on 23-5-88 due to cardio respiratory failure (Ext. W-12).

11. The case of the management is that the concerned workman did not inform the management anything after his application for leave received on 29-1-88 and that the concerned workman was informed by registered letter dated 4-4-88 to join his post at Kanpur within a week from the date of receipt of the letter, but not later than 18-4-88 and that the letter was returned by the postal authority with the remark refused. The letter of the management dated 4-4-88 has been marked Ext. M-18. By this letter he was advised to resume his duty at Kanpur within a week from the date of receipt of the letter but not later than 18-4-88. By another letter dated 26-4-88 the management gave him another opportunity to join his post at Kanpur immediately, but not later than 4-5-88 with satisfactory explanation of his absence from duty from 15-1-88 (Ext. M-15). According to the management, the concerned workman continued to remain absent from his duty continuously and unauthorisedly and since he did not join his post at Kanpur it was not desirable to wait for the concerned workman, a technical person, for an indefinite period. Accordingly, the management issued a letter dated 11-5-88 (Ext. M-17) which, in fact, put an end to the service of the concerned workman. The letter dated 11-5-88 is reproduced hereinbelow : (Ext. M-17).

This has reference to our letter No. BK/PF-2/90561 dt. 26-4-88 sent by registered as well as ordinary post advising you to report for duty at Kanpur immediately but not later than 4-5-88 with satisfactory explanation of your absence from duty w.e.f. 15-1-88. You have, however, failed to report for duty even thereafter.

In accordance with the Standing Orders applicable to you a particularly Clause 13, you have lost lien on your appointment and have thus voluntarily resigned your services. Your name has accordingly been struck off from the rolls of the Corporation with immediate effect.

Your salary for 18 days of January, 1988 amounting to Rs. 1,016.32 is sent herewith by way of Cheque No. 03-400/315249 dt. 11-05-88. As far as your other dues, if any, are concerned, you may contact the Finance Deptt. on any working day from Monday to Friday during working hours for settlement of the same.

When the concerned workman reported for duty on 11-7-88 he was curtly informed that he was no longer an employee of the Corporation (Ext.W-19).

12. The letter of the management dated 11-5-88 (Ext. M-17) discloses that in accordance with the Standing Orders applicable to him but particularly Clause 13 he has lost lien on his appointment and thus voluntarily resigned from service and his name has accordingly been struck off from the roll of the Corporation with immediate effect. He was offered 18 days salary for the month of January, 1988 and as far as his other dues were concerned he was directed to contact the Finance Department.

I cannot but consider here certain anomalies in the terms of reference and also in the letter of the management dated 11-5-88. The terms of reference disclose that the service of the concerned workman as Operator 'B' was terminated with effect from 15-1-88. It appears that when the service of the concerned workman was terminated he was demoted to the post of Operator Grade 'C'. As per the letter of the management dated 11-5-88 his name was struck off from the roll of the Corporation with immediate effect, that means, with effect from 11-5-88 but he was paid 18 days salary for the month of January, 1988 by the management.

13. Anyway, I would now consider the order of the management terminating the service of the concerned workman on the ground of (1) loss of lien on appointment, (2) voluntarily resignation from service and (3) striking of name from the roll of the Corporation.

14. Clause 13 of the Certified Standing Orders of the Corporation envisages that if a workman overstays beyond the period of leave originally granted or subsequently extended or absents himself without obtaining leave for more than 8 consecutive days he shall lose his lien on his appointment.

Shri K. N. Gupta, learned Advocate for the management, has drawn my attention to this clause and contended that the concerned workman, by absenting himself from duty for more than 8 consecutive days without obtaining leave, has lost his lien on his appointment. In support of his contention he has cited the decision reported in 1985 Lab. I.C. 325 (Delhi) (The management of Harward Dawakhana (Wakt), Delhi V/s. D. D. Gupta & others) & 1967 (M. L.L. (SC) 883 (National Engineering Industries Ltd., Jaipur Vs. Manuman). There can be no dispute that the concerned workman, in terms of the relevant clause in the Certified Standing Orders of the Corporation, has lost lien on appointment. Even so, termination of service on the ground of loss of lien is retrenchment within the meaning of Sec. 2(oo) of the Industrial Disputes Act. Termination of the service of an employee for any reason except on the ground mentioned in the proviso to the definition of retrenchment under sec. 2(oo) of the Industrial Disputes Act would amount to retrenchment. This is the legal position as underlined by the Supreme Court of India in the decision reported in 1980(II) LLJ.72 (Santosh Gupta Vs. Bank of India). This being the position despite the fact that the concerned workman lost his lien on appointment by absenting from duty for more than eight consecutive days without obtaining leave, the management is under obligation to fulfil the condition precedent to retrenchment of the concerned workman as envisaged under Sec. 25-F of the Industrial Disputes Act. Evidently the management has not fulfilled this condition. That being so, the termination of service of the concerned workman on the ground of loss of lien is illegal.

15. The next arrow in the shaft of the management is the plea of voluntary resignation of the concerned workman from service. There is not even a shred of evidence on record to indicate that the concerned workman voluntarily resigned from service. Intendment is the essential factor in voluntary resignation. The concerned workman did never manifest such intention. On the other hand, the evidence laid by the concerned workman firmly indicates that he was all along interested in his employment with the management. Termination of service of the concerned workman on the ground of voluntary resignation must, therefore, founder on the ground.

16. The next issue is striking off name of the concerned workman from the roll of the company. Striking off the name of the concerned workman from the roll of the management is termination of his service and such termination of service is retrenchment within the meaning of Sec. 2(oo) of the Industrial Disputes Act. Compliance of the provisions of Sec. 25-F of the Industrial Disputes Act by the management are mandatory and any order of retrenchment, Lab. I. C. 1695 (Delhi Cloth and General Mills Co. Ltd. Vs. Shambhu Nath Mukherjee & others). This being so, VS. Shambhu Nath Mukherjee & others). This being so, termination of service of the concerned workman on the ground of (a) loss of lien, (b) voluntary resignation and (c) striking off name from the roll of the Corporation is illegal.

1. Shri K. N. Gupta, learned Advocate for the management, irrepressible as he is, has contended that even so the management has a right to adduce evidence in support of misconduct of the concerned workman and the Tribunal has to decide on this issue upon evidence on record. Shri Gupta has cited the decision reported in AIR 1983 (SC) 1227 (Workmen of M/S. Firestones Tyre and Rubber Co. of India (P.) Ltd. V/s. Their Management & others) in support of his contention. The crux of the decision is that the mere fact that no enquiry or defect enquiry has been held by the employer does not by itself render the dismissal of workman illegally. The right of the employer to adduce evidence justifying its action for the first time in such a case is not taken away by the proviso to Sec.11-A of the Industrial Disputes Act. This decision, in my view, does not render any support to the contention of Shri Gupta. In the present case the service of the concerned workman was terminated on three grounds. The action of the management in terminating the service of the concerned workman on these three grounds has been held to be illegal as the mandatory provisions of Sec. 25-F of the Industrial Disputes Act have not been complied with. Shri Gupta wants to derive

mileage out of the decision cited above and wants this Tribunal to decide the issue of misconduct allegedly committed by the concerned workman. But no such allegation was made in the letter of termination of service of the concerned workman issued by the management on 11-5-88. Hence, the management cannot be allowed to fish out any ground for termination of service of the concerned workman other than what is spelt out in the letter of termination dated 11-5-88. Hence, I overrule the contention of Shri Gupta on this score.

18 Shri D. K. Jha has contended that once it is held that the termination of service of the concerned workman is illegal, it follows that he is entitled to be reinstated in service with full back wages. In support of this contention he has cited the decision reported in 1980 Lab.I.C. 1292 ('C') (Suroodra Kumar Verma VS Central Government Industrial Tribunal-Cum-Labour Court, New Delhi & others). The Hon'ble Court has held that removal of an order of terminating the service of a workman must ordinarily lead to re-instatement of the service of the workman. It is as if the order has never been done and so it must ordinarily lead to back wages too. In the present case there are certain salient facts which cannot be ignored. The evidence on record indicates that the concerned workman performed his duty till 15-1-88 and he applied for leave with effect from 16-1-88. The management released him from duty in order to join his appointment at Kanpur in the afternoon of 18-1-88. The management offered pay upto 18-1-88. From 19-1-88 till 10-5-88 he was absent from duty and his application for leave on medical ground was not entertained by the management. The management terminated his service with effect from 11-5-1988. Thus, the concerned workman is entitled to be reinstated in service with full back wages from 11-5-88 and his period of absence from 19-1-88 till 10-5-88 shall be treated by the management as extra ordinary leave without pay with continuity of service and other benefits.

19 Accordingly, the following award is rendered—the action of the management of Indian Oil Corporation Ltd. Barauni Kanpur Pipe Line Division, Barauni in terminating the services of Satya Narayan Rai Operator Grade 'C' with effect from 11-5-1988 is not justified. The order of termination of his service is hereby set aside and the management is directed to reinstate him in service with full back wages from 11-5-1988 within one month from the date of publication of the award. His period of absence from duty from 19-1-88 to 10-5-88 shall be treated as extra ordinary leave without pay with continuity of service and other benefits.

In the circumstances of the case, I award no cost.

This is my award.

S. K. MITRA, Presiding Officer

नई दिल्ली 15 जुलई 1992

कां.सं. 2114—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत मोर्टार साईन्स लि. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुवाद में विनिश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचवट को प्राप्ति करती है, जो केन्द्रीय सरकार को 14-7-92 को प्राप्त हुआ था।

[संख्या एल-13012/9/91-आई.ओ.आर. (निर्वा.)]

बी.एम. विश्वनाथ, उपाध्यक्ष

New Delhi, the 15th July, 1992

SO 2114—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure in

the Industrial Dispute between the employers in relation to the management of Bharat Gold Mines Ltd and their workmen, which was received by the Central Government on the 14-7-92

[No L-43012/9/91-IR(Misc)]

B M DAVID, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, BANGALORE

Dated this 30th day of June, 1992

#### PRESENT :

Sri M B Vishwanath, B.Sc., LL.B., Presiding Officer  
CENTRAL REFERENCE NO 29/92

#### I Party

The Secretary,  
Bharat Gold Mines Employees'  
Union Oorgaum,  
K.G.F. 563 120

Via

#### II Party

The Managing Director,  
B.G.M.L.,  
Oorgaum,  
K.G.F. 563 120

#### AWARD

In this reference made by the Hon'ble Central Government under Sec 10(1)(d) of ID Act, 1947 by its order No L-43012/9/91-IR (Misc) Dt 11-3-92, the point for adjudication as per schedule is :

Whether the action of the management of Bharat Gold Mines Ltd., K.G.F. in taking decision to retire Sri Manvar Ali, G.D. Havildar on superannuation from 31-5-91 is correct and justifiable. If not what relief he is entitled to ?

2 This Tribunal issued notices to the I party and II party by ordinary post and fixed the case to 23-4-92. On 23-4-92 the I party was absent. The II party took notice of the proceedings.

3 The case was posted to 14-5-92 to enable the I party to file the claim statement. On 14-5-92 also the I party was absent. The Tribunal posted the reference to 10-6-1992.

4 On 10-6-92 also I party was absent. II party was represented by its counsel. On 10-6-92 the Tribunal, by way of abundant precaution, ordered issue of notice to I party by R.P.A.D. and posted the case to 30-6-92.

5. On 30-6-92 also I party, though served with the notice sent by R.P.P.A.D. has remained absent. The postal Ack has been received by this tribunal.

6 It is obvious from the facts stated above that the I party is not interested and has failed to file his claim statement. The Tribunal is left with Hobson's choice. The reference is rejected.

Submit to Government

(Dictated to Stenographer, taken down by him, got typed corrected and signed by me)

M B VISHWANATH, Presiding Officer



नई दिल्ली, 15 जुलाई 1992

कां०आ० 2115:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत गोल्ड माइन्स लि० के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-92 को प्राप्त हुआ था।

[संख्या एल-43012/5/89-आई०आर० (विविध)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 15th July, 1992

S.O. 2115.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Gold Mines Ltd. and their workmen, which was received by the Central Government on the 14th July 1992).

[F. No. 43012/5/89-IR Misc)]

B. M. DAVID, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE

Dated this 30th day of June 1992

## PRESENT

Shri M. B. Vishwanath,

B.Sc., L.L.B.

Presiding Officer.

CENTRAL REFERENCE NO. 62/89

## I Party

Syed Ghouse,  
S/o Syed Kareem,  
Old Madras Road,  
Near Tin Factory,  
Darga Mohalla,  
Mosque Road,  
III Cross,  
Dooravaninagar,  
Bangalore-560 016.

v/s.

## II Party

The Managing Director,  
BGML, Oorgaum P.O.  
K.G.F. 563120.

## AWARD

In this reference made by the Hon'ble Central Government under Sec. 10(1)(d) the I.D. Act by its order No. L-43012/5/89-IR (Misc.) dated 25th August 1989, the point for adjudication as per schedule is :

"Whether the action taken by the management of Bharat Gold Mines Ltd., KGF, in terminating the services of Sri Syed Ghouse on the ground that he was medically unfit to continue in service is justifiable. If not, to what relief the aggrieved employee is entitled?"

2 As per the claim statement, the case of the I party is:—

The I party workman is an ex. serviceman. He was employed in 1977 by the II party as a general labourer. Since

he was regularly inhaling sulphuric acid gas, cyanide gas, ferrous gas etc., he became unwell. He took treatment at BGML hospital and Victoria Hospital from 11-1-81 to 8-3-81. His health did not improve. The I party workman took indigenous medicines in his native place. For this he applied for leave from 29-8-81 to 15-9-81. He extended the leave upto 25-9-81. The Chief Metallurgist of the II party wrote a letter dt. 11-9-81 to the I party workman directing him to report for duty. But the I party workman could not report for duty since he was under medical treatment. After full recovery he reported for duty on 26-9-81. The Ag. Manager (Mill) Nandydroog Mine directed the I party workman to get himself examined by the BGML Doctors to findout whether he was medically fit. He wrote a letter dt. 27-11-81 bearing No. WLO/ND/81-82 to the C.M.O. BGML, Medical Establishment to make arrangements for the medical examination of I party workman. The I party workman subjected himself for the medical examination. After thorough clinical check up he was found to be fit to resume duties. Accordingly the CMO, BGML, Medical Establishment wrote letter dt. 27-11-81, with a copy to this I party workman, to the effect that the I party workman was fit to resume his duties. Even so, the II party has terminated the services of the I party w.e.f. 1-12-81 on the ground that the I party was medically unfit. This order is illegal and arbitrary. Subsequently the I party workman got himself clinically examined in the Victoria Hospital, Bangalore. The Doctor Rudranna who examined I party workman has given a certificate that the I party workman had no disease. Therefore the action of the II party terminating the services of the I party workman as medically unfit to continue in service is not justified. The I party has to be reinstated with back wages.

3. In the counter statement it is contended by the II party:

The I party workman was appointed as a general labourer. The I party workman was examined by the Medical Officer, Medical Establishment and was declared medically unfit w.e.f. 19-11-83 due to Myalgia. Since he was declared medically unfit, I party was given one months pay in view of notice and his services were terminated. It is false that anybody had any prejudice against the I party. The action of the II party in terminating the services on medical grounds is legal and valid. The Medical Board was constituted and the I party was checked thoroughly by the Doctors of the medical board and declared unfit to continue in service. Hence the services of the I party workman were terminated. The I party is not entitled to any relief.

4. I have stated in the order sheet dt. 12-10-90 that the point for determination is covered by the schedule to the reference and no separate issues were required.

5. On behalf of the II party two witnesses have been examined. M.W.1 is Dr. Sampath. M.W.2 is Dr. Lakshminanth. On behalf of the I party he has got himself examined and closed his case.

6. The I party has averred in the claim statement that the Ag. Manager (Mill), Nandydroog Mine directed him to get himself examined by the BGML doctors to find out whether he (I party) was medically fit. He has further averred that Ag. Manager wrote a letter dated 27-11-81 bearing No. WLO/ND/81-82 to the C.M.O. BGML to make arrangements for the medical examination of the I party workman. The I party workman has further averred that he subjected himself for the medical examination. After thorough clinical check up he was found to be fit to resume duties. Accordingly, it is stated in the claim statement, the CMO, BGML wrote letter dt. 27-11-81, with a copy to the I party workman to the effect that the I party workman was fit to resume his duties.

7. From what I have extracted above from the claim statement it is clear, according to I party, that the CMO, BGML after thorough clinical check up certified that the I party was fit to resume duties. The copy of the letter written by the CMO, BGML to the concerned was sent to the I party. But this letter in which it was stated by the BGML's CMO that the I party was medical fit to resume duties has not been produced to this Tribunal by the I party workman. If this document were produced it would have clinched the matter in favour of the I party. The I party has stated that the Manager Vijayendran was not cordial towards him and

that V. Jayendran did not like muslims. He has stated in his evidence on cross-examination that he gave a complaint against V. Jayendran and that he has got a copy of the complaint with him. But he has not produced this copy to the Tribunal. It is difficult to believe the allegation made by the I party workman.

8. M.W.1 Dr. Sampath has stated in his evidence before this Tribunal that he was a member of the medical board constituted for the purpose of examining the I party. He has stated that the I party was present before the medical board. The other members of the board were Dr. Gowda and Dr. Lakshmikanth. M.W.1 has stated in his evidence that on 18-11-83. The I party was produced before the Medical board. M.W.1 has stated that the diagnosis by the Board in respect of I party was that he was suffering from myalgia. He has stated that Ex. M.1 is the proceedings of the medical board. M.W.1 has stated that Myalgia is a disease where an individual will be suffering from generalised muscular pains all over the body including ribs and chest and sometimes involving joints. He has stated that the board conducted clinical examination of the I party. He has stated that if a person is suffering from myalgia it affects his normal working capacity which will also interfere with his daily work. He has stated that the decision taken by the medical board on 18-11-83 (Ex. M.1) is that the I party was unfit to continue his job with pains.

9. In cross-examination M.W.1 has stated that the reference was made by the concerned Doctor who was treating the I party workman in the hospital and so the medical board examined him. He has stated that the reference made by the Doctor is not found in the records in the Tribunal. In re-examination he has stated that the treatment book of the hospital can be produced within a period, but not after 9 years. The reference by the concerned doctor to the medical board has been made in 1983. If that reference is not produced after a long lapse of time, there is nothing unnatural. In cross-examination M.W.1 has stated that he has been treating exclusively patients with eye defects for the last 15 years. He has stated that individually he is not competent to give opinion on myalgia. Though he is individually not competent, being a medical graduate and being member of the medical board, he has given his opinion along with other doctors. The fact that he has been treating exclusively patients with eye defects does not detract from Ex. M.1. In cross-examination M.W.1 speaks to the invalidating form Ex. M.2. He has identified the signature of the C.M.O. Dr. Gouda at Ex. M.2 (a). Ex. M.2 shows that the C.M.O. has certified that the I party workman was unfit for further employment. He has stated in the cross-examination that details of the clinical examination will be mentioned in the clinical book and this treatment book is not before this Tribunal. He has stated in re-examination that the treatment book cannot be produced after lapse of 9 years. I party workman was examined in 1983. At the time of examination of M.W.1 before this Tribunal 9 years has lapsed. So not much significance can be attached to the fact that the clinical book has not been produced.

10. M.W.2 is Dr. Lakshmikanth who was another member of the medical board and who issued the proceedings Ex. M.1 in which it is stated that the I party workman was suffering from myalgia. M.W.2 has put his signature to Ex. M.1. He has stated that the board members re-examined the I party on 18-11-83. He has stated that the I party workman was suffering from myalgia. In cross-examination he has stated that he is B.Sc., MBBS., MD., FICA., and that he is a member of Fellow of Indian Society of Electro Cardiology. It is obvious that M.W.2 who was a member of the medical board is highly competent man. He has stated that the committee gave the opinion on the same day. He has stated that the Chairman of the Board Dr. Gouda is a Diploma in American Board of Medicine and Surgery and Dr. Gouda was competent to assess the disease of I party workman. This shows that Dr. Gouda was also a highly competent Doctor. Dr. Lakshmikanth M.W.2 has stated that even a Orthomodelist (M.W.2) can also treat myalgia since he would have studied medicine. He has stated in para 3 of his deposition that a person suffering from Myalgia may sometimes have joint pains and when he gets these attacks, he will not be able to go to work and discharge his duties.

11. Thus two Doctors out of the three Doctors who constituted medical board have spoken to the proceedings Ex. M.1. Both are experienced in the field. They have given their opinion that the I party was suffering from Myalgia. They have stated in their evidence that a person suffering from myalgia would not be able to do his duties properly.

12. In Ex. M.1 the Learned counsel for the I party workman showed some discrepancy. The proceedings of the medical board are dated 18-11-83. It is stated that the patient came to Hospital on 9-11-83 with complaint of chest pain. The Learned Counsel tried to argue that the case of the I party is that the I party workman appeared before the medical board on 18-11-83, but actually Ex. M.1 showed that he appeared before the Medical Board on 9-11-83. I have carefully gone through Ex. M.1. It is obvious that I party workman has gone to BGML hospital with complaint of chest pain on 9-11-83. He has not appeared before the Medical board on 9-11-83. He has appeared before the medical board only on 18-11-83. It is argued by the Learned Counsel for the I party workman that no reference to the kinds of tests made by the Doctors are mentioned in Ex. M.1. In such tests are to be mentioned in the proceedings like Ex. M.1, there will be no end. There is no motive suggested as to why the two expert Doctors M.Ws. 1 and 2 should come and swear falsely. I find it difficult to brush aside Ex. M.1. It is obvious that the I party workman was suffering from Myalgia and was not medically fit to continue in the work.

13. In the claim statement the I party himself has stated that he was on medical leave from 11-1-81 to 25-9-81 and he reported for duty on 26-9-81. He has averred that he was regularly inhaling sulphuric acid gas, cyanide gas, etc., and so he became unwell. Thus even according to the I party himself he was not well. It is argued by the Learned counsel for the I party workman that the state of I party's health in 1981 cannot be taken into consideration at the time of termination of his services in 1983. This argument cannot be accepted. It is obvious that the I party was not enjoying good health.

14. The I party workman has produced the two physical fitness certificates Exs. W.1 and W.2. Ex. W.1 is dated 31-12-83 (Ex. M.1 is dated 18-11-83). Ex. M.2 dated 11-9-89. Ex. W.1 has been issued by Dr. Kundranna of the Victoria hospital. This Doctor has not been examined to prove Ex. W.1. This physical Fitness certificate Ex. W.1 has been issued because the I party workman was a candidate for Cook's post. But the I party workman was a general labourer. This does not help the I party workman. Ex. W.2 is physical fitness certificate issued by the District Surgeon, General Hospital, K.G.F. Ex. W.2 also has not been proved by examining the Doctor. This has been issued on 11-9-89.

15. No deliance can be placed on Exs. W.1 and 2. The two medical experts M. Ws. 1 and 2 have given their evidence and have spoken to Ex. M.1. Their evidence clearly shows that the I party workman was suffering from Myalgia and was medically unfit to continue his duties as a labourer in the mines. It won't be proper, in my opinion, for this Tribunal to assume the role of a super specialist and sit in Judgement over the opinion of the medical board.

16. The Learned counsel for the I party workman read some passages from medical dictionary and medical text books at the time of arguments (not submitted). As per the extracts referred to in the text books a person suffering from Myalgia can sometimes work normally. These passages have not been put to the experts M.Ws. 1 and 2 and their comment elicited. So no reliance can be placed on medical text books.

17. The termination of the services of the I party workman does not amount to retrenchment Sec. 2(oo) of the ID Act which defines retrenchment clearly excludes the termination of service of workman on the ground of continued ill health.

18. For the aforesaid reasons, I am of opinion that the I party was justified in terminating the services of the I party on the ground that he was medically unfit to continue in service.



## ORDER

## SCHEDULE

The reference is rejected.

Award passed rejecting the reference.

(Dictated to Stenographer, typed by him, corrected, signed by me).

M B VISHWANATH, Presiding Officer

नई दिल्ली 15 जुलाई, 1992

का० प्रा० 2116—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै० बी० सी० एल० की नुदकुरकी कोलियरी के प्रबंधन के संबंध में निम्नलिखित आदेशों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 2), धनबाद के पंचरट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-92 को प्राप्त हुआ था।

[संख्या एल-20012/311/85-डी० 3(ए)]

बी० के० वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 15th July, 1992

S.O. 2116.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Nudkhurkee Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 13-7-92.

[No. L-20012/311/85 D III(A)]

V. K. VENUGOPALAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

PRESENT

Shri B Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No 178 of 1986

PARTIES :

Employers in relation to the management of Nudkhurkee Colliery of Messrs Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workman—None.

On behalf of the employers—None

STATE : B har.

INDUSTRY : Coal.

Dhanbad, the 3rd July, 1992

## AWARD

The Govt of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/311/85-D.II-(A), dated, the 1st May, 1986.  
1891 GI/92—7

"Whether the action of the management of Nudkhurkee Colliery of M/s. Bharat Coking Coal Limited under Block-II Area, P.O. Nudhurkee, Distt. Dhanbad in not referring Shri Balashwar Roy, Loader to the Medical Board of the Company for assessment of his age is justified? If not, to what relief the workman is entitled?"

2. This reference is coming for hearing since 1986. For the last several dates no body turned up on behalf of the workmen although registered notices were sent. The entire ordersheet right from the year 1986 till the last date will show that neither the workmen appeared nor any W.S. was filed on their behalf. This is suggestive of the fact that the concerned workmen has got no grievance when he was referred to the Medical Board of the company for assessment of his age. In the circumstances of the case the Court has got no alternative but to pass a 'No dispute' Award and accordingly a 'No disputes' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 15 जुलाई 1992

का० प्रा० 2117—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै० बी० सी० एल० की आकाशकिनारी कोलियरी के प्रबंधन के संबंध में निम्नलिखित आदेशों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 1), धनबाद के पंचरट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-92 को प्राप्त हुआ था।

[संख्या एल-20012/268/89—आई० प्रार० (कोल-1)]

बी० के० वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 15th July, 1992

S.O. 2117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Akashkinaree Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 10-7-1992.

[No. L-20012/268/89-IR (Coal-I)]

V. K. VENUGOPALAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 97 of 1990

PARTIES :

Employers in relation to the management of Akashkinaree Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri B. K. Ghosh, Member Executive Committee, Janta Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal

Dated, the 30th June, 1992

### AWARD

By Order No. L-20Q12/268/89-I.R. (Coal-I), dated, the 24th April, 1990, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the management of M/s. B.C.C. Ltd., in relation to Akashkinaree Colliery in Govindpur Area No. III is justified in denying employment to Shri Suraj Kumar dependent son of Smt. Rebati Kamarin, Wagon Loader who has submitted application under Voluntary Retirement Scheme in the early part of 1985 i.e. before she was terminated from service w.e.f. 20-5-89 on account of having attained age of superannuation. If not, to what relief the workman is entitled?"

2. The fascicle of facts, as disclosed in the written statement-cum-rejoinder submitted by the management of Akashkinaree Colliery, is as follows :

The date of birth of Smt. Rebati Kamarin, the concerned lady, was recorded as 20-5-1929 and she was superannuated from service after completion of 60 years of age on 20-5-89. When she applied for voluntary retirement on 25-5-85 she had already completed the age of 56 years. As per eligibility clause of Voluntary Retirement Scheme existing at the relevant time, a female employee opting for voluntary retirement must be below the age of 56 years on the day of her filing application. The option for retirement under V.R.S. could be accepted at the discretion of the management. It was purely a temporary measure to reduce the strength of inefficient female workers below the age of 56 years and to induct young and energetic workmen on the piece rated jobs of Miner/Loaders. The concerned lady had crossed the age of 56 years on the date of filing her application under Voluntary Retirement Scheme and therefore, she was not eligible for exercising her option for retirement under V.R.S. In the circumstances, the action of the management in not accepting her application under V.R.S. and denying employment to her dependent son, Suraj Kumar is justified.

3. The case of the concerned worker, as disclosed in the written statement submitted on her behalf by the sponsoring union, Janta Mazdoor Sangh, is that Smt. Rebati Kamarin, a permanent wagon loader of Akashkinaree Colliery applied before May, 1985 for retirement under V.R.S. Scheme for female worker and requested for providing employment to her dependent son, Suraj Kumar. By letter dated 12/13-5-85 she was informed that she was required to submit some further documents, details which may be obtained from office. She contacted the office of the Colliery and as per instructions submitted the remaining documents on 25-5-85. The management did not inform her of any further action or decision taken in the matter. It was for the management to take necessary decision in the matter which was pending before it. The failure of the management to decide the matter within reasonable time is discriminatory against the female worker and amounts to deprivation of the advantage of employment of a dependent as envisaged in the Scheme. In the circumstances, the union has prayed that the management be directed to provide employment to Suraj Kumar, dependent son of Smt. Rebati Kamarin.

4. In rejoinder to the written statement of the union, the management has stated that the concerned worker filed her application for retirement under V.R. Scheme in prescribed form on 25-5-85 alongwith relevant documents. Whenever any workman wants clarifications on the matter of voluntary retirement, the necessary advices are given. She did not apply for retirement under V.R. Scheme prior to 25-5-85. Hence, her claim is not sustainable.

5. In rejoinder to the written statement of the management, the sponsoring union has reiterated the facts already stated in its written statement.

6. The management, in order to support its action, has examined only one witness, namely, MW-1 Surendra Singh and laid in evidence a number of documents which have been marked Exts. M-1 to M-6.

On the other hand, the concerned union has examined the worker concerned, Smt. Rebati Kamarin and laid in evidence two items of documents which have been marked Exts. W-1 to W-2.

7. Admittedly, Smt. Rebati Kamarin was working as permanent wagon loader in Akashkinaree Colliery of M/s. B.C.C. Ltd. Her date of birth was recorded as 20-5-29 in the Form 'B' Register of the Colliery (Ext. W-1).

8. M/s. B.C.C. Ltd. introduced a scheme for Voluntary Retirement styled Voluntary Retirement Scheme. The pleading of the management discloses that this scheme was purely a temporary measure to reduce the strength of inefficient female workers below the age of 56 years and to induct young and energetic workmen on piece rated jobs of Mine/Loaders.

9. The management has produced and proved circular relating to Voluntary Retirement Scheme dated 29/30-8-80 (Ext. M-5). Para 2 of this circular lays down eligibility criteria for retirement under the Scheme, Paragraph 2 is re-produced hereinbelow :

"Eligibility—Any permanent employee, whether male or female daily rated, piece rated and monthly rated are covered under this Scheme to be eligible for voluntary retirement, the employee must have put in at least 5 years of service and must be above the age of 45 years and not more than 56 years."

Para 2 of this scheme is also relevant which is re-produced hereinbelow :

"In case the concerned workman opts for voluntary retirement under this Scheme and is, otherwise, eligible he would be paid all his legal dues including gratuity and other payments."

10. As per this scheme Smt. Rebati Kamarin applied for voluntary retirement, according to the union, before May, 1985. The union has, however, produced a letter of the management dated 12/13-5-85 from which it is evident that the application of Smt. Rebati Kamarin was not in order and no action could be taken on his application. The management directed her to call at the office of the Colliery immediately with necessary documents failing which her application would be rejected (Ext. M-1). She could submit application in proper form with necessary documents on 20-6-85 when she had already crossed the age of 56 years or more than 56 years of age (Ext. M-4 series).

11. According to MW-1 Surendra Singh, the applicant apply for retirement under Voluntary Retirement Scheme is required to submit application complete with specified documents and list. The date of application is counted from the date of filing the application alongwith all necessary papers and information. The concerned worker submitted her application under Voluntary Retirement Scheme on 20-6-85 complete with specified documents and information. But since she was more than 56 years of age at the time of submitting her application, the management did not accept her application.

12. Shri B. K. Ghosh, authorised representative of the union, has contended that the concerned lady submitted application before May 1985 when she was within 56 years of age and so the management should have accepted her application. But, in my view the contention of Shri Ghosh is neither correct nor sound. The concerned lady exercised her option by submitting an application which was not in order and she was directed by the management to call at the office of the Colliery and to provide necessary information when she was already within permissible age limit. Acceptance of option is not an automatic process and in doing so, certain formalities have got to be followed. The concerned lady

was directed to do so, but she did so when she crossed the permissible age limit. In the circumstances, the management, in my view, has rightly rejected her application exercising option and allowed her to continue in service. Admittedly, she retired from service after completion of 60 years of age.

13. Regard being had to the facts and circumstances mentioned above, I come to the conclusion that the management was justified in rejecting the application of Smt. Rebati Kamarin under Voluntary Retirement Scheme and denying employment to her dependant son, Suraj Kumar.

14. Accordingly, the following award is rendered—

the action of the management of M/s. B.C.C. Ltd. in relation to Akashkineee Colliery in Govindpur Area No. III in rejecting the application of Smt. Rebati Kamarin under Voluntary Retirement Scheme and denying employment to her son, Suraj Kumar is justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

नई दिल्ली, 15 जुलाई 1992,

का.अ. 2118—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै.वी.सी.सी. एल. की मूहलीडोह 20/21 पिट्स कोलियरी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबद्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-92 को प्राप्त हुआ था।

[संख्या एल-20012/225/86-डी. 23(ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 15th July, 1992

S.O. 2118.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Murulidih 20/21 Pits Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which received by the Central Government on 13-7-1992.

[No. L-20012/225/86-D.III (A)]

V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 10 of 1987

PARTIES :

Employers in relation to the management of Murulidih 20/21 Pits Colliery and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri R. S. Murthy, Advocate

STATE - Bihar INDUSTRIAL : Coal

Dhanbad, the 30th June, 1992

#### AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/225/86-D.III (R), dated, the 2nd January, 1987.

#### SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union that the workmen, whose names are given below, should be regularised as miscellaneous mazdoors in Category-I with retrospective effect by the management of Murulidih 20/21 Pits Colliery of M/s. Bharat Coking Coal Limited is justified? If so, to what relief are these workmen entitled?”

#### ANNEXURE

1. Shri Jhinku Harijan,
2. Shri Ajit Kumar Biswas,
3. Shri Md. Yakub Ansari,
4. Sri Ramautar Bhuiya,
5. Sri Dhama Harijan,
6. Sri Deb Narayan Bhuiya,
7. Sri Lalmoni Singh,
8. Sri Brahmdeo Hajam,
9. Sri Rajendra Bhuiya,
10. Shri Ramprasad Das,
11. Sri Raj Kumar Das,
12. Sri Sipahi Bhuiya,
13. Sri Ranjee Paswan,
14. Sri Krishna Bahadur Ghisingh.

2. S/Shri Jhinku Harijan and 13 others as per annexure of the reference claim to have been working as underground workmen continuously since long under the direct control and supervision of the management of the BCCL. They have been working as stone cutter, coal cutter, lime packer and stone dusting which are of permanent character. All the implements for execution of the job are also supplied by the management. In this way they have been doing job which are directly linked with the production of coal and for the benefit of the management. Since they have been doing prohibited category of job they are entitled for pay scale provided under NCWA-I, II and III but the management simply to deprive the poor workmen of their legitimate demand had been distributing their wages through intermediary which is less than wages recommended by NCWA-I, II and III.

3. The concerned workmen had represented their case for regularisation as Cat. I mazdoor but it was of no utility. An industrial dispute was raised before the ALC(C), Dhanbad which ended in failure. In this way the concerned workmen have prayed for their regularisation as Misc. Mazdoor in Cat. I with retrospective effect with all consequential benefits and arrears of wages.

4. The management denied the relationship of employer and employee between the management of the concerned workmen. The management stated that in Colliery some misc. jobs are to be performed which do not require regular labour force. These jobs being non-regular and not of permanent character are being entrusted to the contractor for its execution. These jobs according to the management were entrusted to the contractors namely M/s. Sadiq Ansari, M/s. Niranjan Singh and Mr. Shoukat Ali and Sri Ram Awatar Prasad. It was stated that Shri Raj Kumar Das and Krishna Bahadur Ghisingh appearing at Sl. No. 11 and 14 of the annexure were never engaged by the contractor at any time. As regards others the engagement by the contractor was only for a very short period.

5. It was stated that the contractors were the employers of the concerned workmen and it is they who had been paying their wages. The management never engaged any of the concerned workmen for any work nor any payment was made by the management. The management always paid the contractors against the bills submitted by them. The management further stated that for the reasons stated above the demand of the union is wholly unjustified and liable to be rejected.

6. The question for consideration is whether the concerned workmen had been discharging permanent and prohibited category of job, under the mines continuously and are liable to be regularised as Cat. I Mazdoors.

7. The management has denied the relationship of employer and employee and it was stated that the concerned workmen are the labour of contractors and have been doing misc. type of job which are not of permanent character. However, the union has examined one Sri A. K. Biswas as WW-1. The witness has stated that their main work was to cut stone and coal and sometimes to go for lime packing and stone dusting. He also stated that these works were perennial in nature and they have been doing it regularly and by the year end they completed 240 days. The witness further stated that they report for duty to the Cap Lamp Cabin where they get cap lamp and their attendance is marked. All working implements are also provided by the management of BCCL. After that they report for duty to the Overmen or the Mining Sirdar who ever is available and they start functioning as per the direction of the Overmen or the incharge as the case may be. Lastly the witness stated that they were stopped since April, 1987 but after 6 to 7 months they were again allowed work and they are still working. In cross-examination the witness stated that they do not possess either the appointment letter or the identity card. They do not possess any paper to show that they are paid by the management. According to him stone dusting and lime packing are not regularly required but stone cutting, coal cutting are the work which are done regularly. In this way the concerned workman have asserted their right for their regularisation being the permanent employee of the management.

8. The management has not denied that these concerned workmen do not go underground for work. Admittedly, everybody going underground for work will be provided with cap lamp and as per Coal Mines Regulation his attendance will be marked while going in and coming out of the mines. Every workman whosoever he will be required to discharge his duties under the control and supervision of Overman or the Mining Sirdar as the case may be. The duties and function of the Sirdar and Overman are onerous and they are required to inspect the place regularly. They are also answerable for any incident and in such view of the matter they cannot be compared like traffic constable. The duties of the Mining Sirdar has been spelt out under Section 113 of the Coal Mines Regulation, 1957. At this stage I would also like to refer the evidence of MW-1 who stated that underground work under the mines are done under the supervision of competent persons like Overman and Mining Sirdars. The contractors do not possess any certificate of competency. According to the regulation the competent persons are appointed by the management as Overman, Mining Sirdars shot firer and explosive carrier. In this way according to the evidence of this witness also the Mining Sirdar and the Overman have got important work to do under the mine.

9. Coming back to the evidence of WW-1 I find that according to the witness they have been doing the job of stone cutting and coal cutting also. According to the management stone cutting means cutting of stone by hammer and chisel which cannot assume character of permanency. Here I may respectfully disagree with the contention of the learned counsel of the management. Since after the introduction of blasting method of raising coal under the Mine, the word coal cutting will always denote the production of coal by blasting method. Such type of job are always to be performed under the mine and hence they are permanent and of perennial nature. MW-1 is Asstt. Survey Officer. Of course he is not concerned with the production of coal and its method. However the witness stated that coal and stone are raised through solid blasting method

and for that purpose drills are to be made. Here the question is as to what is the meaning of drilling. This means cutting coal or the stone for the purpose of making hole and so it will be wrong to suggest that coal cutting and stone cutting under the mine are not of permanent nature. It is equally wrong to suggest that the work of the concerned workmen was supervised by the contractor. The contractors do not possess any certificate of competency and they in no case can supervise the work of underground workers. The contractors might be getting the work done with their own implements on surface but in case of underground work perhaps they cannot be permitted to use their own implements. Again the permanent nature of job is to be done by permanent workman and not by contract labour. I may mention here that cutting of stone and coal are closely associated with the function of blasting. Since blasting is a permanent job, stone cutting and coal cutting cannot be segregated and given some poor name. MW-1 has proved the photo copies of two slips which have been marked Ext. W-4 and W-4/1. These two slips show that the concerned workmen had discharged duties of stone cutting. Ext. W-4 also bears the signature of deposing witness. Ext. W-4/1 bears the signature of Shri B. Mondal. At the bottom of the slip (Ext. W-4/1) the words "Stone cutting" have been written. Regarding these words it is submitted that they are in different ink suggesting that they were not written in one sitting. In my view there is no scope of any doubt or suspicion because Shri B. Mondal had also signed in the same ink. The witness MW-1 has provided the work order and photo copies of the bills which have been marked Ext. M-1 and M-2 series respectively. He also recognised all the concerned workmen. The witness never stated that Shri Raj Kumar Das and Krishna Bahadur Ghising are strangers. He rather stated that the work shown under the bills were performed by the concerned workmen. Ext. M-1 series are photo copies of the work order showing the order like debris cleaning, coal dusting cleaning and loading work etc. which definitely are not of permanent nature. The bills (Ext. M-2) series are also with regard to same type of job and they mostly relate to the period 1983. But further there is one document Ext. M-2/22 which will show that the bill was paid for coal cutting and stone cutting also.

10. The union also proved the same bills which are Ext. W-3 series. Ext. W-3 to W-3/3 relate to the year 1986. These are the bills for coal cutting. The rest of the bills are for roof stone drilling and blasting. All these are permanent nature of job. But the bills have been paid to the contractors. The question is in case of permanent type of jobs how the contractors will come into picture and in the situation the only inference would be that the contractors have been introduced under the bills and the work order purposely and jeopardise the rightful claim of the concerned workman. In the circumstances I am to hold that the concerned workmen are employees of the management and they are not contractor labours.

11. Ext. W-5 is the cap lamp issue register wherein apart from other concerned workmen the name of Raj Kishore Das also appears. Ext. W-2 is the photo copy of the attendance for the period from November, 1985 to December, 1986 which will show that the concerned workmen have already completed more than 190 days attendance in a calendar year. The names of all the concerned workmen appears in the documents. At this stage I would also like to refer two documents filed on behalf of the workmen which are Ext. W-1 and W-2. Ext. W-1 is the record of note of discussion in respect of the reference case concerning B.C.K.U. on 14-12-88 at General Manager (Personnel) level. Under Item No. 9 the claims of Jhinku Harijan and 13 others can be found. The area had informed that the concerned workmen were direct employees of the contractors and were engaged for job of stacking, lime packing and other misc. jobs. In this connection it may be mentioned that such information was given to the management by the Area office and not by the union. Ext. W-2 is the second meeting which held on 9-3-89 in that meeting the committee was constituted consisted of Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union and Shri D. B. Singh, Personnel Manager, Mohuda area and the concerned Agent of the Colliery. It appears that the report of the committee could not be received. I feel this document cannot be of much help to either side.

12. MW-2 Shri P. M. Prasad has been examined to prove one representation alleged to have been filed by Jhinku Harijan and others in which they have admitted to be the labours of contractors. The document has been marked Ext. M-3 with objection. It may be mentioned that this document was filed by the management after the evidence of the workmen was closed. I find that the petition was written by some body else. This is not the official document the proof of which can be waived. Where the document is of vital importance having potentiality to give turn to the decision, it is always beneficial and justifiable that it should be proved by a competent person preferably the author of the document. For this reason I do not think that this can be used against the concerned workmen.

13. I have examined all these aspects of the matter and I am constrained to hold that the concerned workmen were the employees of the management and they have been discharging permanent nature of job since long and they deserve their regularisation and payment of wages as Cat. I Mazdoor. However, in this connection I do not propose to give any order with retrospective effect and in the circumstances there will be no order as to payment of arrear of wages and attendant benefits. The management is directed to regularise all the concerned workmen within one month from the date of publication of the Award and to place them in Cat. I mazdoor and to pay accordingly inclusive of all the attendance benefits.

This is my Award.

B. RAM, Presiding Officer

नई दिल्ली, 17 जुलाई, 1992

कां.सां. 2119:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार, मै. बी.सी.सी. एल. की लोहापाटी कारखाने के प्रबंधन के सबब नियोजकों और उनके कामकारो के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-92 को प्राप्त हुआ था।

[संख्या एल- 20012/267/89-मार्.भार. (कोल-1)]  
बी.के. वेणुगोपालन, हेड, अधिकारी

New Delhi, the 17th July, 1992

S.O. 2119.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Lohapatty Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on the 13-7-1992.

[No. L-20012/(267)/89-IR (Coal-I)]

V. K. VENUGOPALAN, Desk Officer.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

#### PARTIES :

Employers in relation to the management of M/s. Bharat Coking Coal Ltd. in relation to Lohapatty Colliery in Mohuda Area No. II.

#### AND

Their Workmen.

#### PRESENT :

Shri S. K. Mitra, Presiding Officer.

#### APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 30th June, 1992.

#### AWARD

The present reference arises out of Order No. L-20012/267/89-I.R. (Coal-I), dated the 12th February, 1990 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of M/s. Bharat Coking Coal Ltd. in relation to Lohapatty Colliery in Mohuda Area No. II is justified in awarding the punishment of dismissal from service to the workman Shri Gora Manjhi ex-Drillman w.e.f. 28-11-1984 ? If not, to what relief he is entitled to ?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be passed on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and pass an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

Sd./-

S. K. MITRA, Presiding Officer.

BEFORE THE PRESIDING OFFICER, CGIT NO. I

Reference 26/90.

#### PARTIES :

Employers in relation to the management of Lohapatty Colliery of M/s. BCCL, Mohuda Area.

#### AND

Their workman (Gora Manjhi).

#### PETITION OF COMPROMISE

The Humble petition on behalf of the parties to the above reference most respectfully sheweth ;

1. That the above dispute has been amicably settled between the parties on the following terms :—

#### TERMS OF SETTLEMENT

(a) That Shri Gora Manjhi Ex-Drill man will be taken back in employment within 30 days without any back wages but with continuity of service for the purpose of gratuity.

(b) That the idle period on account of dismissal from December 1983 till the date of resumption of duty will be treated as dies non.

2. That in view of settlement there remains nothing to be adjudicated.

Under the circumstances stated above, the Hon'ble tribunal will be graciously pleased to accept the settlement as fair

and proper and be pleased to pass an Award in terms of the settlement.

For Workman.

B. MOHANTHY, Area Secy. DCGU.

Sd/-

Part of the Award

For Employers.

M. M. BHATTACHARYA, General Manager,

BCCL, Mohuda Area.

A. K. RAO, Dy. Chief Pers. Manager,

BCCL, Mohuda Area.

नई दिल्ली, 17 जुलाई, 1992

कां० 2120—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एक्सपोर्ट इम्पोर्ट बैंक ऑफ इण्डिया के प्रबन्धन के सख्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-92 को प्राप्त हुआ था।

[संख्या एल-12012/5/88-डो-4(ए)/(डा.आई.)]

बी०के० वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 17th July, 1992

S.O. 2120.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the Mgt. of Export Import Bank of India and their workmen, which was received by the Central Government on the 15-7-92.

[No. L-12012/5/88-DIV(A)/D]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Friday, the 30th day of August, 1991

PRESENT :

THIRU M. GOPALLASWAMY, B.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 66 OF 1988.

(In the matter of reference for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Export Import Bank of India, Madras-1).

BETWEEN

Thiru R. Jambulingam, C/o S. Swaminathan, Plot No. 22, I Main Road, Srinivasa Nagar, Kolathur, Madras-600 099.

AND

The Deputy General Manager, Export Import Bank of India, 233, NSC Bose Road, Madras-600 001.

REFERENCE :

Order No. L-12012/05/88-DIV(A)/D.I., dated 29-9-1988 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Friday, the 16th day of August, 1991 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru N.S.N. Rao, Authorised Representative for the workman and of Thiru

B. Jayaraman, Advocate appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following

## AWARD

This dispute between the workman and the Management of Export Import Bank of India, Madras-1 arises out of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-12012/05/88-DIV(A)/D.I dated 29-9-1988 of the Ministry of Labour, for adjudication of the following issues :

"Whether the action of the management of Export-Import Bank of India, Madras is justified in terminating the services of Shri R. Jambulingam, Driver-cum-Messenger w.e.f. 8-11-86 ? If not, to what relief is the concerned workman entitled?"

2. The Petitioner alleges as follows : He was employed by the Respondent-Bank, Madras Branch as Driver-cum-Messenger with a pay of Rs. 800 per month from 12-7-1984. Later, he was appointed by order dated 14-2-1985 in a regular capacity, in which he was given basic pay, Dearness Allowance, City Compensatory Allowance, House Rent Allowance, and amounting to Rs. 1228.20p. Conditions of service were prescribed as stated in Annexures-1 and 11 attached to the appointment order. He was on probation of one year. The appointment was made effective from 12-1-1985 on regular basis. After completion of one year of probation, Respondent issued a letter dated 29-1-1986 stating that Petitioner's services were to be considered for another year (i.e.) till January, 1987 before confirming the Petitioner in his post. The communication did not state the reason for extending probation. Finally, the Resident representative of the Respondent, (working in Madras) informed the Petitioner that the Petitioner's services were not satisfactory and that he would not continue in service with effect from 8-11-1986. The Respondent offered to pay Rs. 2331.80 p. as compensation for retrenchment in addition to one month's salary in lieu of notice. The Petitioner's services have been regularised even with effect from 12-1-1985 and therefore further continuation of service on probation by order dated 29-1-1986 is illegal. The Petitioner has been in continuous service of 850 days with effect from 12-7-1984. The Respondent has not shown any reasonable cause for terminating the Petitioner's services by calling it retrenchment. The Respondent did not issue any show cause notice to the Petitioner and did not initiate disciplinary proceedings. The action of the Respondent by termination of Petitioner's services is illegal and unjust. Such termination is contrary to Section 25B(2) of the Industrial Disputes Act. The Petitioner having completed more than 240 days of work in a continuous period he should be deemed to have been a permanent employee. In fact, the Petitioner has put in 850 days of work continuously. The whole period of Petitioner's service extending over 29 months cannot be taken as period of probation and at the end of such period he cannot be deprived of his job illegally. Therefore, an award may be passed directing the Respondent to reinstate the Petitioner in service from 8-11-1986, give him continuity of service, back wages and other attendant benefits.

3. The Respondent states in its counter as follows : The Branch of the Respondent-Bank, situated in Madras had an official car which was under the control of Deputy Regional Manager-cum-Resident Representative of the Madras Branch. That car was liable to be used in the general pool, namely, for the entire Madras office work. On an application from the Petitioner for appointing him in the Driver's post, Deputy General Manager of the Madras Branch of the Respondent appointed the Petitioner as driver-cum-messenger under order dated 12-7-1984 on a consolidated pay of Rs. 800 per month. This appointment is purely a contractual appointment for a limited period of six months, coming to an end on 11-1-1985. Subsequently, the Respondent appointed the Petitioner by a fresh order dated 14-2-1985 as Driver-cum-Messenger for a period of one year on probation with conditions and stipulations. By this order he was given monthly basic pay, dearness allowance, etc. amounting to Rs. 1228.20. On review of his performance from 14-2-1985 onwards, the Respondent issued an order dated 29-1-1986 that he has to serve as a probationer for some more time and that the



question of confirmation will be decided only in January, 1987. Finally, by communication dated 7-11-1986, two months before January, 1987, the Respondent has terminated the Petitioner's probation on the ground that his service was not satisfactory. As a matter of caution, the Respondent paid retrenchment compensation to the Petitioner and also one month's notice pay. The Petitioner being a probationer upto the date of his discharge or termination, he has no right of employment on a permanent basis. His case is not really one of retrenchment. When the Regional Labour Commissioner (Central) took up the conciliation proceedings, the Respondent has given a suitable reply. The Petitioner was terminated in the course of his probation period even before his confirmation under clause (4) of the order of appointment dated 14-2-1985. Only because his service was not satisfactory, he was ordered to continue as a probationer for another year till January, 1987 for reasons stated in the order itself. His appointment prior to 12-1-1985 was only on a contract basis. His service as a probationer continued for 22 months only from 12-1-1985 till 7-11-1986. This period of contractual service prior to 12-1-1985 cannot be added to the period of service on probation commencing from 12-1-1985. Termination of the Petitioner's service was made in accordance with the order of appointment dated 14-2-1985 and the order of extending probation dated 29-1-1986; There is no merit in the claim. The same is liable to be dismissed.

4. The points for determination in this dispute are as follows :

1. Whether the termination of services of the Petitioner as Driver-cum-Messenger with effect from 8-11-86 is lawful and just, and

2. To what relief ?

5 The Respondent's witness, namely, Deputy General Manager of the Madras Branch of the Respondent-Bank (i.e. Export-Import Bank of India) has given evidence as M.W.1. Es.W-1 to W-7 and M-1 to M-10 have been marked.

6. The branch of the Respondent Export-Import Bank of India, at Madras is managed by Deputy General Manager/ Resident Representative. On an application from the Petitioner he was appointed as Driver-cum-Messenger under Ex. W-1 order dated 12-7-1984 on a consolidated monthly pay of Rs. 800. This order stipulates that the contract will work itself out and expire after six months without any notice from either side and further even before the expiry of six months, the Respondent has the right to terminate the Petitioner's services by merely giving 15 days notice. Therefore the appointment by which the Petitioner had to serve under Ex.W-1 is purely a contractual appointment valid for six months only and thereunder, the Petitioner does not have any right to employment or to any post of service under the Respondent beyond the period of six months. It is purely a temporary and contractual term coming to an end on 11-1-1985. After the expiry of this contractual period, the Petitioner was given an order of appointment on a regular basis, but subject to probation by order dated 14-2-1985 (i.e.) Ex.W-2. This order itself contains in clause (4) a stipulation that the Respondent is entitled to terminate the Petitioner's service on probation by giving one month's notice if the service is found unsatisfactory. Under this appointment, which is a regular one, subjected to probation, gives him a fixed pay, dearness allowance, etc. The period of probation is given as one year in clause (3) of Ex.W-2 order. This one year period of probation must normally come to an end on 13-2-1986. Two weeks prior to this final day, the Respondent has issued Ex.W-3 order dated 29-1-1986 alleging that the Management has found it necessary to make a further or another review of the Petitioner's performance and that the final order regarding confirmation will be passed in January, 1987. Thus Ex.W-3 order impliedly and in effect extended the period of probation by another year upto January, 1987. The right to extend probation beyond the original one year prescribed in Ex.W2 order, has been claimed by the Respondent as an inherent or natural right though the same is not stated in Ex.W-2. When the service of the Petitioner during the first one year of probation is not found satisfactory

the Respondent has assumed that it has got the right to put the petitioner on probation for another year. The right to extend probation by another year, exercised by the Respondent cannot be said to be arbitrary. It is a power inherent in the order of appointment Ex.W-2.

7. But even before the second year of probation came to an end, the Respondent has issued Ex.W-5 order dated 7-11-1986, by which it ordered the termination of Petitioner's service with effect from 3-11-1986. The Respondent has also given 45 days wages as retrenchment compensation on the reckoning that the Petitioner has served for a period of three years and that for every year 15 days wages has to be given as retrenchment compensation. This compensation has been paid as a matter of extreme caution and on the basis of an assumption that it is a retrenchment even though in fact it is not so. Ex. M-8 dated 3-6-1985 reveals that the Petitioner has made an improper correction in a voucher by correcting a bill for Rs. 2 as a bill for Rs. 12. The bill is one issued by an hotel for catables taken by the Petitioner, in the course of his official duties and at the cost of the Respondent. The Petitioner has by Ex.M-9 letter admitted that he has made the said correction improperly. M.W.1 has narrated in his evidence that the Petitioner during the performance as Driver-cum-Messenger has committed omissions and commissions which made his work unsatisfactory. The wrongs committed by the Petitioner as alleged by M.W.1 are late-coming to the office, carrying passengers unauthorisedly in the office car driven by the Petitioner, speaking in a language now and then smacking of insubordination and indiscipline and also behaving towards the passengers in the official car in an impolite way. The car driven by the Petitioner was attached to the Madras office and it was used to transport customers and officials of the Bank. There is no reason to disbelieve the version of M.W.1 who had observed the conduct of the Petitioner and under whose direct control the Petitioner was employed. The appointment of the Petitioner on probation basis has taken effect only on 14-2-1985 while the earlier period was governed by a contract only. The probationary service starting from 14-2-1985 was extended by another year. Before the end of the second year, the Respondent having closely observed the conduct of the Petitioner has found that the Petitioner's conduct and service have been unsatisfactory. An employee who serves during probation period is liable to be discharged or terminated without giving him any opportunity to explain or any show cause notice. Discharge of a probationer is not termination from service of an employee who has become confirmed in a post. Until the Petitioner has got confirmation in the post of driver he is liable to be discharged as stated in clause (4) of Ex.W-2 order. The courts have upheld the right of the employer to discharge a workman who has not completed the probation period satisfactorily without assigning any specific reason excepting that his service has been found unsatisfactory. The conclusion of the Respondent that the Petitioner's service has been unsatisfactory cannot be considered to be arbitrary. I therefore hold that the Respondent's order terminating or discharging the Petitioner from service on the ground that he has been a probationer and that his service was unsatisfactory is just and lawful and that the Petitioner is not entitled to any relief other than the compensation and one month's notice which the Respondent has liberally given even though the Petitioner has not been retrenched in the eye of law. For the care of a probationer, section 25B(2) of the Industrial Disputes Act is not applicable. I, therefore, answer these points against the petitioner.

8. In the result the claim of the Petitioner is dismissed. An award is passed accordingly. No costs.

Dated, this 30th day of August, 1991.

M COPALASWAMY,  
Industrial Tribunal

List of Witnesses & Exhibits in I.D. 66/88

#### WITNESSES EXAMINED

For Workman—None.

For Management—MW1 Thiru T.C. Venkata Subramaniam  
Dy. General Manager.

## DOCUMENTS MARKED

New Delhi, the 16th July, 1992

## For Workman :

- Ex. W-1/12-7-84—Letter from Management—Bank to the Petitioner—Workman Thiru R. Jambulingam appointing him as a Driver-cum-Messenger (xerox copy).
- Ex. W-2/14-2-85—Letter from Management—Bank to the Petitioner—Workman Thiru R. Jambulingam appointing him as a Driver-cum-Messenger w.e.f. 12th January, 1985 (xerox copy).
- Ex. W-3/29-1-86—Letter from Management—Bank to the Petitioner—Workman informing him that his case for confirmation in the services of the Bank will be reviewed in January, 1987 (xerox copy).
- Ex. W-4/7-11-86—Letter from Management—Bank to the Petitioner—Workman informing that his services will stand terminated w.e.f. 8th November, 1986 with one month notice pay (xerox copy).
- Ex. W-5/7-11-86—Letter from Management—Bank to the Petitioner—Workman informing that his services were terminated w.e.f. 8th November, 1986 with 45 days wages by way of retrenchment compensation (xerox copy).
- Ex. W-6/12-11-86—Service Certificate issued to Petitioner—Workman (xerox copy).
- Ex. W-7/4-5-87—Letter from Management—Bank to the Petitioner—Workman informing that his bonus amount has been credited to his savings Bank Account (xerox copy).

## For Management :

- Ex. M-1/28-4-84—Application from Petitioner—Workman to the Management—Bank for the post of Driver-cum-Messenger (xerox copy).
- Ex. M-2/12-7-84—Same as Ex. W-1 (xerox copy).
- Ex. M-3/14-2-85—Same as Ex. W-2 (xerox copy).
- Ex. M-4/29-1-86—Same as Ex. W-3 (xerox copy).
- Ex. M-5/7-11-86—Same as Ex. W-4 (xerox copy).
- Ex. M-6/7-11-86—Same as Ex. W-5 (xerox copy).
- Ex. M-7/15-10-87—Letter from Management—Bank to the Regional Labour Commissioner (Central) Madras informing that the Petitioner—Workman's probationer services were terminated (xerox copy).
- Ex. M-8/3-6-85—Memo issued to Petitioner—Workman (copy).
- Ex. M-9/3-6-85—Xerox copy of reply letter by the Petitioner—Workman to Ex. M-8.
- Ex. M-10/1-6-87—Application form from the Petitioner—Workman to the Management for the post of Staff Car Driver (xerox copy).

(Sd ) M. GOPALASWAMY,  
Industrial Tribunal

नई दिल्ली, 16 जुलाई 1992

कां.प्र. 2121—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देउलबेरा कोलियरी अफ एस.ई.सी.एल. के प्रबन्धन के संवर्धन नियंत्रकों और उनके वसंतारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद के औद्योगिक अधिकरण भुवनेश्वर के पंचपट को प्रकटित करती है, जो केन्द्रीय सरकार को 13-7-1992 को प्राप्त हुआ था।

[सं. एन. 22012/150/89-आई आर (सी-II)]

प्रकाशित करने वाले

S.O. 2121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deulbera Colliery of S.E.C. Ltd. and their workmen, which was received by the Central Government on 13-7-1992.

[No. L-22012/150/89-IR (C-II)]

S. C. SHARMA, Desk Officer

## ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

## PRESENT :

Sri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 24 of 1989 (Central)

Bhubaneswar, the 30th June, 1992

## BETWEEN

The Management of Deulbera Colliery of M/s. South Eastern Coalfields Ltd., Dist. Dhenkanal.

—First Party—management.

## AND

Their workman Sri Nitya Nahak represented through Orissa Coalfields Labour Union, At/P.O. Deulbera Colliery, Dist. Dhenkanal.

—Second Party—workman.

## APPEARANCES :

Sri A. K. Patra, Personnel Officer—for the first party—management.

Sri P. C. Sahoo, President of the Union—for the second party—workman.

## AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their Order No. L-22012(150)/89-IR (C-II) dated 15th November, 1989 have referred the following dispute for adjudication by this Tribunal :—

“Whether the demand of the workman of Deulbera Colliery of M/s. S.E.C. Ltd. At/P.O. Deulbera Colliery, Dist. Dhenkanal for regularisation of Sri Nitya Nahak, a piece-rated workman as Security Guard/Tyndal/Conveyor Attendant in Cat. IV is justified? If so, to what relief is the workman concerned entitled?”

2. The case of the workman in brief is that while he was serving in the Central Coalfield, Bihar was transferred to Talchar area in 1979 and was posted in Handidhwa Colliery. Though he was designated as a piece-rated worker but he was engaged as a Security guard till the Colliery was closed in 1982-83. Thereafter he was posted at Sand Gathering Plant and worked as before and was paid wages as a Mazdoor Category-I till 1988. Subsequently, he was replaced by one Bakuli Naik, a piece-rated underground loader and this action of the management, according to him is unfair and illegal. He approached the authority for regularisation of his service with proper designation either as a security guard, Scraper Operator or Tyndal in which jobs he had been intermittently engaged. This demand having been turned-down he raised a dispute through his union which was admitted to conciliation and on failure of such conciliation the present reference was made to adjudicate the dispute.

3. The case of the management on the other hand is that there are three types of posts available in Coal industry namely, piece-rated, time rated and monthly rated. On the event of any vacancy in the time rated job the



persons working on piece-rated basis are taken. Time rated job comprises six categories i.e., Category-I to VI and all these categories have different scales of pay and the duties are quite separate and different. Only the employees from Category-VI are given promotion to monthly rated post. In so far as posts of security guard are concerned, piece-rated or time rated workers are not considered to be given promotion, so also, no piece-rated worker is eligible to be promoted to the time-rated job in Category-I. Posts of Scrapper Operator and Tyndal are in Category-III and Category-IV and these posts are filled-up by piece-rated workers.

In so far as the present workman is concerned, the case of the management is that he joined as a piece-rated worker in 1973 in Bihar area of the Central Coalfields Ltd. and after being transferred in January '82 he was posted in Handidhwa Colliery but due to temporary stoppage of mining operation he was transferred to Deulbera Colliery and was engaged in the Sand Gathering Plant of the said Colliery from 2-3-84. As no piece-rated system of work was available in Sand Gathering Plant the workman was offered job of a time-rated Mazdoor and on his acceptance he was engaged as a time-rated Mazdoor in Category-I till his services were regularised on 25-9-89. In the premises as aforesaid, it is urged that the demand of the workman being illegal and unjustified, the reference be answered in negative.

4. In view of the pleadings of the parties, the sole question for determination is whether the service of the workman is to be regularised in the cadre of Security Guard/Tyndal or Scrapper Operator.

5. The workman in support of his case has examined himself alone. On the other hand, the management has examined three witnesses and has brought some documents into evidence. In a case of this nature onus lies upon the workman to prove that though he was designated in a lower rank but was entrusted duty in higher rank and continued to work for a considerable period. He has given out in his evidence as to how his services had been utilised by the management in different posts. He would say that his initial appointment was in 1972 in Topa Colliery in the State of Bihar. He was transferred to Handidhwa Colliery, Talcher in 1979 and worked as a Loader. As he fell ill and was hospitalised the management gave him light work as a Watchman. While he was a Loader he was getting higher wages but for his doing the duty of Watchman he was paid low wages. He was placed in Mazdoor Category-I and subsequently transferred to Sand Gathering Plant where he was asked to perform the duty of a Guard. About six months thereafter he worked as a Tyndal but was paid low wages as was being paid to Mazdoor Category-I. He further stated that he made a prayer to the management for regularisation of his services either as a Tyndal, Security Guard or Scrapper Operator but the same was turned-down. As borne out from his evidence there was no written order passed by the management directing him to work as a Security Guard. He would admit that since about a year he has been working as a Time rated worker in Mazdoor Category-I. He has led no other evidence either oral or documentary to corroborate the stand taken by him that though in pen and paper he was kept in a lower rank but was entrusted duties of Guard and then as a Tyndal which are admittedly of higher posts.

Witness No. 1 for the management is the Manager of Kakudi Sand Mines under Deulbera Colliery. As stated by him, the workman was an Underground Loader in Handidhwa Colliery and on his own representation he was transferred to Kakudi Sand Mines to work as a Sand Loader. He worked in the said capacity till 1989 whereafter he was kept in Mazdoor Category-I till 1-1-91 when he was brought to the category of Conveyor Attendant which post is of higher grade. Ext. C, an office order of the management would reveal that services of the workman were regularised in Mazdoor Category-I with effect from 25-9-89 whereafter he submitted his option letter Ext. A and joining report Ext. B. Though the workman has admitted in his evidence that he joined as a Time rated worker and put his signature in Ext. A but according to him he did so without knowing the contents thereof. I am not prepared to accept his version as because he being an english knowing man could not have signed blindly. Ext. A would reveal that not

only he put his signature in english but also he wrote his father's name, designation and address in english. Witness No. 2 for the management corroborating the evidence of MW-1 would say that the workman who was previously a Loader is now working as a Mazdoor in Category-I. He emphatically speaks that the workman has never worked as a Tyndal.

6. On a scrutiny of the evidence as discussed above I find that the workman could not be able to prove that he being placed in a lower category was all along doing the work in higher posts such as Guard, Tyndal or Scrapper Operator. Even assuming for the sake of argument that for a few months the management kept him in charge of a Guard, he does not thereby acquire any right to be absorbed in the said post. There is no acceptable evidence on record that he had worked in any higher post as claimed by him. On the other hand the evidence of the management satisfies the judicial conscience that the workman who was originally a Loader was brought to Mazdoor Category-I and then as a Conveyor Attendant.

7. On an analysis of the entire evidence, I am unable to accept the stand taken by the workman that his services should be regularised in higher posts i.e., Security Guard/Tyndal/Scrapper Operator or Conveyor Attendant since 1979. His demand for regularisation in any of those posts being not justified, the reference is answered in negative.

Dictated and corrected by me.

R. K. DASH, Presiding Officer

नई दिल्ली, 16 जुलाई, 1992

कांथा० 2122—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतपुर कोलियरी आफ एस०ई०सी०एल० के प्रबन्धन के संज्ञक नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक एम्प्लोयर्स गुण्डेरा के संज्ञक को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-92 को प्राप्त हुआ था।

[सं० एल० 22012/40/89-आई०आर० (सी-II)]

एस०सी० शर्मा, डेस्क अधिकारी,

New Delhi, the 16th July, 1992

S.O. 2122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharatpur Colliery of S.E.C. Ltd. and their workmen, which was received by the Central Government on 15-7-1992.

[No. L-22012/40/89-IR (C-II)]

S. C. SHARMA, Desk Officer

## ANNEXURE

### INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR PRESENT :

Sri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 18 of 1989 (Central)  
Bhubaneswar, the 30th June, 1992

### BETWEEN

The Management of Bharatpur Colliery of M/s. South Eastern Coalfields Ltd., At/P.O. South Balanda,  
Dist. Dhenkanal. First Party-management.

## AND

Their workman Sri Punia Sahu, represented through Bharatpur Colliery Labour Union, At/P.O. South Balanda, Dist. Dhenkanal. . . Second Party-workman.

## APPEARANCES :

Sri B. Satyavasu, Dy Personnel Manager—for the first party-management.

Sri B. N. Pati, General Secretary of the Union—for the second party-workman.

## AWARD

The Government of India, in the Ministry of Labour in exercise of powers conferred upon them by sub-clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their Order No. L-22012(40)/89-IR (C-II) dated 21st August 89 have referred the following dispute for adjudication by this Tribunal :—

"Whether the action of the management of Bharatpur Project of M/s. South Eastern Coalfields Ltd., At/ P.O. Balanda, Dist. Dhenkanal in retiring Sri Punia Sahu, Timber Mazdoor from service w.e.f. 16th July 1988 on the ground of reaching the age of superannuation is justified? If not, to what relief the concerned workman is entitled?"

2. Briefly stated the case of the workman is that he was initially appointed as a Loader in Deulbera Colliery on 1-1-64. At the beginning there was no practice for maintaining service records of the piece-rated workers/Loaders. It is only after implementation of payment of Gratuity Act the management began preparing service records for the piece-rated workers. From Deulbera the workman was transferred to Bharatpur Colliery on 6-4-85. At that time he was a Timber Mazdoor. His actual date of birth is 16-7-40 but the management having shown it as 16-7-28 retired him early from his service. The Regional Provident Fund Commissioner in the relevant records has certified his date of birth to be 16-7-40. The management which is required to maintain 'B' register mentioning all the details including the date of birth has never done so for any employees including the present workman. So, the assertion of the management that the workman was born on 16-7-28 is based on surmise. It is, therefore, urged by the workman that his date of birth as mentioned in the relevant record of the Provident Fund Commissioner should be taken as valid and he having not reached the age of retirement should be taken back to service with full back wages.

3. The case of the management on the other hand is that the date of birth of the workman is 16-7-28 but not 16-7-40. Service sheet of the workman was opened and maintained in Deulbera Colliery wherein his date of birth has been mentioned as 16-7-28. While he was serving at Bharatpur Colliery, to which he came on transfer, he was served with a notice of superannuation on receipt of which he made an application to the management to give employment to his son under the relevant clause of N.C.W.A. III. In the said application he mentioned his date of birth to be 16-7-28. Explaining the entry made by the Provident Fund Commissioner regarding date of birth it is urged by the management that it being a manipulation the same can not be accepted as a piece of evidence in proof of age. To sum-up, the case of the management is that the actual date of birth of the workman being 16-7-28 he has been rightly superannuated in the year 1988.

4. In view of the pleadings of the parties, the question arises for consideration is whether the workman was born on 16-7-28 or 16-7-40. If the case of the workman is accepted that his date of birth is 16-7-40 then in that case it has to be held that the action of the management in retiring him from service w.e.f. 16-7-28 is illegal.

5. The workman in support of his case only relies upon Ext. 1, a declaration furnished by him under the Coal Mines Provident Fund Scheme and some other official letters, Exts. 2 to 5. Admittedly, he has led no acceptable evidence

either oral or documentary to show that he was born on 16-7-40. He, however, put much reliance on Ext. 1 where his date of birth has been mentioned as 16-7-40. Ext. 1 is a declaration made by him giving all details including his date of birth. It is provided under sub-clause (2) of Clause 38 of the Coal Mines Provident Fund Scheme that a declaration in Form A should be furnished in duplicate by the person qualifying for the membership of the funds, a copy whereof shall be retained in the Regional Office and the duplicate copy should be returned to the employer for handing over to the person concerned. It is, therefore, evident that Form A being a declaration made by no other than the workman himself can not be treated as a piece of evidence admissible under law. If the entries would have been made by the management mentioning the date of birth of the workman, in that case the management would have been estopped to challenge its correctness. In this view of the matter, having on the declaration given by the workman about his date of birth in Ext. 1, it can not be concluded that he was born on 16-7-40. This apart, doubt arises about the correctness of the entries made in Sl. Nos. 6, 10 and 11 regarding height, date of birth and mark of identification in Ext. 1. These three entries appear to have been written in one hand and the remaining entries by another and that too in different ink. It being a declaration by the workman he ought to have given an explanation under what circumstances the entries were filled-up by two different persons.

6. On the other hand, the management has led both oral and documentary evidence in support of its case that the date of birth of the workman is 16-7-28 and not 16-7-40. Exts. A, B and C are the xerox copies of the service register of the workman at different mines which indicate that the workman was born on 16-7-28. The correctness of these documents have not been seriously challenged by the workman. It transpires from the evidence of MW-1 that when Ext. A was filled-up the workman did not object to the entry of his date of birth and being aware of the correctness of the entries made therein he put his thumb impression. When the dispute regarding date of birth of the workman had not arisen the entries were made in the service registers, Exts. A to C showing his date of birth. In the premises, therefore, I am to accept the case of the management that the workman was born on 16-7-28 and he has been rightly retired from service on attaining the age of superannuation.

7. In view of my discussions made above, I hold that the date of birth of the workman being 16-7-28 he has been rightly superannuated from service on 16-7-88.

The reference is answered accordingly.

Dictated and corrected by me.

R. K. DASGH, Presiding Officer

नई दिल्ली, 22 जुलाई, 1992

का.मा. 2123—उत्पन्न अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्रम ब्यूरो कार्यालय चण्डीगढ़ में नियुक्त सहायक निदेशक श्री हरवंत सिंह को दिनांक 22-7-92 से अगला आदेश जारी होने तक उत्पन्नासी संरक्षी, चण्डीगढ़ के कार्यालय में उत्पन्नासी संरक्षी, चण्डीगढ़ के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[संख्या ए-22012/1/92-उत्पन्न]

आर.के. गुप्ता, अधीन सचिव

New Delhi, the 22nd July, 1992

S.O. 2123.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Herwant Singh, Assistant Director in the Office of Directorate Labour Bureau, Chandigarh to perform all functions of Protector of Emigrants, Chandigarh in the Office of Protector of Emigrants with effect from 22nd July, 1992 till further orders.

[F. No. A-22012/1/92-Emig.]

R. K. GUPTA, Under Secy.

नई दिल्ली, 27 जुलाई, 1992

कां.प्रा. 2124.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार कारखाना सलाह सेवा एवं श्रम विज्ञान केन्द्र, महानिदेशालय बम्बई में नियुक्त उप निदेशक श्री एच.एल. तनेजा को 20-7-92 से 2-9-92 तक उत्प्रवासी संरक्षी, बम्बई के कार्यालय में उत्प्रवासी संरक्षी, बम्बई के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[संख्या ए-22012/1/92-उत्प्रवास]

आर.के. गुप्ता, अवर सचिव

New Delhi, the 27th July, 1992

S.O. 2124.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri H. L. Taneja, Deputy Director in the Office of DG FASLI, Bombay to perform all functions of Protector of Emigrants, Bombay in the Office of Protector of Emigrants, Bombay with effect from 20th July, 1992 to 2nd September, 1992.

[F. No. A-22012/1/92-Emig.]

R. K. GUPTA, Under Secy.

नई दिल्ली, 22 जुलाई, 1992

कां.प्रा. 2125.—यतः सैसर्स प्रिन्टर्स प्राइवेट लिमिटेड 40 बी प्रीन्सप स्ट्रीट, कलकत्ता-700072 (इसके प्रागे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो) हमसे अधिप्रायः उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (इसके प्रागे उक्त अधिनियम के नाम से निरूपित है) को धारा 17 की उप धारा (1) के खंड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

सह केन्द्र सरकार की राय में उक्त स्थापना कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अश्वदान की वर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की वर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके प्रागे अहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है) हमसे अधिप्रायः उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो हम वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा 1 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबंधों के लागू होने से छूट प्रदान करती है।

अनुसूची

उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय-समय पर दिए गए निर्देश के अनुसार उक्त अधिनियम की धारा 17 की उप धारा (3) के उपबंध (क) में उल्लिखित निरीक्षण के लिए मुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन बूजिन उक्त स्कीम के अन्तर्गत देय अश्वदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अश्वदान की दर किसी समय भी कम नहीं होगी।

3. पेनलियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

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4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि प्रायुक्त की पूर्ण अनुमति के वीर नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभाव होने की संभावना है वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि प्रायुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना का छूट न हो जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2 (च) में निश्चित किया गया है) जो सब्सिडी बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है नियोक्ता उसे निधि का गुरत सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखों में संघर्षों को अंतरित कराने और उसके लेखों में अमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि प्रायुक्त के द्वारा प्रथम केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर दिए गए निर्देशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों को होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से प्रदायगियों और उनकी अभिरक्षा में शेषी के लिए कर्मचारी भविष्य निधि संगठन का उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि प्रायुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को बुझा लेखा परीक्षा कराये और ऐसे पुनः लेखा परीक्षा के खर्च नियोक्ता वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखों अर्हता प्राप्त निष्पक्ष चाट'ड अकाउंटेंट द्वारा वार्षिक लेखा परीक्षा के अधधीन होंगे। जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि प्रायुक्त की किसी अन्य अर्हता प्राप्त लेखा परीक्षा द्वारा लेखों की पुनः परीक्षा कराने का अधिकार होगा और हम पर हुआ व्यय नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षण तुलन पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि प्रायुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि को देय अपने कर्मचारियों के अश्वदानों को प्रागामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अश्वदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकशानी देन का उची प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियाँ न्यासी बोर्ड के नाम पर प्राप्त की जायेगी और भारतीय रिजर्व बैंक के जमा नियंत्रण से अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

14. सरकार के निर्देशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और कि साथ केन्द्रीय भविष्य निधि प्रायुक्त या उसके प्रतिनिधियों द्वारा लगा गए अधिक प्रभार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु स्वीकारा रजिस्टर तैयार करेगा और भ्याज और बिमोचन आय की समय पर वसूली सुनिश्चित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी संबंधित भ्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति से छ माह के अंदर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है। ये पास बुकें कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें प्रयत्न किया जाएगा।

19. लेखा वर्ष के पहले दिन प्रादि शेष पर प्रत्येक कर्मचारी के लेख में व्याज उस वर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करें परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित भ्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की चोरी के कारण, लूटखसोट, ख्यानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणिया प्रस्तुत करेगा जो समय समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करे।

23. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जप्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जप्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे ऐसे प्रयोक्तों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होने हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है यह पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर समग्रहण की दर प्रादि संवित्तिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अन्तर का वहन नियोक्ता द्वारा किया जायेगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी खर्च जिसमें लेखा के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, वहन करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की जाए छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ष जिसमें उसकी स्थापना प्राती है, पर अंशदान की दर बढ़ायी जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले मामलों से स्थापना की स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[सं. एस-35015/8/92-एस एस-II]  
जे. पी. शुक्ला, अवसर सचिव

New Delhi, the 22nd July, 1992

S.O. 2125.—Whereas Messrs Griffon Labo. (P) Ltd., 40-B Princep Street, Calcutta-700072 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character.

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

#### SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 of the said Act who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees Provident Fund (Statutory or a Provident Fund) of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund

Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts reaudited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest and redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial/accounting year.

18. The Board may, instead of the annual statement of accounts, issue Pass books to every employee. These pass books shall remain in the custody of the employee and will be brought upto date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. In the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where as employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution rate of forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended there-to alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015/5/91-SS.II]

J. P. SHUKLA. Under Secy.

नई दिल्ली, 22 जुलाई, 1992

का प्रा 2126 --यत मसम श्री राम दाम मोहन ट्रामपोर्ट लि, काकीनावा (इसके प्रागे जहा कही भी उक्त स्थापना शब्द का प्रयोग हो इससे अभिप्राय उक्त स्थापना मे है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (इसके प्रागे उक्त अधिनियम के नाम से निर्दिष्ट) जो धारा 17 की उप धारा (1) के खड्ड (क) के अन्तर्गत छुट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय मे उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों मे अंगदान की दर उक्त अधिनियम की धारा 6 मे उल्लिखित कर्मचारी अंगदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके प्रागे जहा कही भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम मे है) मे उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं मे कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलि ए उक्त अधिनियम की धारा 17 की उपधारा, एक के खड (क) द्वारा प्रवत शोक्तयो का प्रयोग करते हुए और संलग्न अनुसूची मे वणित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना की उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

#### अनुसूची

1 उक्त स्थापना मे संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय समय पर दिए गए निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के उपबंध (क) मे उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2 न छूट प्राप्त स्थापनाओं के संबंध मे उक्त अधिनियम और उनके अधीन सृजित उक्त स्कीम के अन्तर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3 पेशगियों के मामले मे छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4 उक्त स्कीम मे कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जागा। उक्त स्थापना के भविष्य निधि नियमों मे कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्ण अनुमति के बिना नहीं किया जायगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभाव होने की संभावना है वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5 यदि स्थापना, को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2(ब) मे निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनावे जाएंगे।

6 जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट प्राप्त स्थापना का, पहले से सदस्य है, को अपनी स्थापना मे काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरन्त सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखे मे सच्यों को अंतरित कराने और उसके लेखे मे जमा कराने की व्यवस्था करेगा।

7 केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय समय पर दिए गए निदेशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8 भविष्य निधि, न्यासी बोर्ड मे निहित होगा जो अन्य बातों के होते हुए भविष्य निधि मे धन के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा मे शोपी के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9 न्यासी बोर्ड कम से कम 3 माह मे एक बार बैठक करेगा और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निदेशों के अनुसार कार्य करेगा। केन्द्रीय भविष्य निधि आयुक्त का अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से छात्रों को दुबारा लेखा परीक्षा कराए और ऐसे पुन लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

10 न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखे अर्हता प्राप्त लिप्यक्ष चाटेंड अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अध्यक्षीन होंगे। जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त को किसी अन्य अर्हता प्राप्त लेखा-परीक्षा द्वारा लेखों की पुन लेखा परीक्षा करने का अधिकार होगा और इस पर हुआ व्यय नियोक्ता द्वारा वहन किया जाएगा

11 प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षित वार्षिक भावण्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छ माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12 नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों मे नियोक्ता मुकदानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है।

13 न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निदेशों के अनुसार निधि मे जमा राशियों का निवेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएगी और भारतीय रिजर्व बैंक के जमा नियंत्रण मे अनुसूचित बैंक की अभिरक्षा मे रखा जाएगा।

14 सरकार के निदेशों के अनुसार निवेश न करने पर न्यासी बोर्ड असंग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

15 न्यासी बोर्ड एक वस्तु-स्थीर रजिस्टर तैयार करेगा और ब्याज और विमोचन धन की समय पर वसूली सुनिश्चित करेगा।

16 जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी मे संबंधित ब्याज का विधान के लिए न्यासी बोर्ड विस्तृत लेखे तैयार करेगा।

17 वित्तीय/लेखा वर्ष की समाप्ति के छ माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18 बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पास बुक जारी कर सकता है। ये पास बुके कर्मचारियों की अभिरक्षा मे रहेगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अद्यतन किया जाएगा।

19 लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखे मे ब्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20 यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित ब्याज की दर इस कारण से कि निवेश पर धन कम है या किसी अन्य कारण से अदा करने मे असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21 नियोक्ता भविष्य निधि की खराब के कारण, लूटखसोट, ब्याज, गबन अथवा किसी अन्य कारण से हुई हानि का पूरा करेगा।

22 नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करे।

23 उक्त स्कीम के पैरा 69 की शर्तों पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भावण्य निधि नियमों मे नियोक्ताओं के अंशदानों को जवन करने की व्याख्या है तो न्यासी बोर्ड इस प्रकार जवन की गई राशियों का अलग मे लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्ण अनुमति से सुनिश्चित किया गया हो।

24 स्थापना के भविष्य निधि नियमों मे निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या

किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर समग्रहण की दर प्रावि संविधिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अस्तर का वहन नियोक्ता द्वारा किया जाएगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी खर्च जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अंतरण शामिल है, वहन करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की जाए छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना वगैरे जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ाई जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले लाभों से स्थापना की स्कीम के अंतर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[सं० एस-35015/3/92-एस०एस०-II]

जे० पी० शुक्ला, प्रवर सचिव

New Delhi, the 22nd July, 1992

S.O. 2126.—Whereas Messrs Sri Ramdas Motor Transport Co. Ltd., Kakananda (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the employees' provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

#### SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Gov-

ernment may from time to time direct under clause (a) of sub-section (3) of section 17 said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 of the said Act, who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees Provident Fund (Statutory) or a Provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government as the case may be, from time to time.

8. The provident fund shall vest in the Board of responsible for and accountable to the Employee Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or any officer authorised by him.

10. The accounts of The Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified—Independent, Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Government Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue Passbooks to every employee. These pass books shall remain in the custody of the employee and will be brought up to date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution rate of forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "Appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. 35015/3/92 SS/II]

J. P. SHUKLA, Under Secy

नई दिल्ली, 24 जुलाई, 1992

क्र० घा० 1127.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-8-92 की उस तारीख के रूप में नियम करती है, जिसकी उक्त अधिनियम के अध्याय 4 धारा 44 और 45 के सिवाय जो पहले ही प्रबल की जा चुकी है (और अध्याय 5 और 6) धारा 76 की उपधारा (1) और धारा



78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्—

“चेंगलपट्टु एम० जी० ग्राम० जिले में चेंगलपट्टु तालुक के मराई-मलाई नगर के राजस्व ग्राम निम्नकराई पीरामनूर, पोथेरी, कट्टन-कोलाचूर, कल्लीवयापट्टु, किल्लाकरनाई, थिरुकटाचूर, अययनचेरी, किलमपरकम, टेन्गुल्लम और गुडवचेरी क्षेत्र के राज्य ग्राम करानाई-बुडु, चेरी, कयोवक्कन, कयायामबेट्टु, पुडुपक्कम संयुक्त (पुडुपक्कम) वालनचेरी, मम्बक्कम, गुडवचेरी”

[संख्या एम-38013/15/92-एस० एम-1]

जे० पी० शुक्ला प्रवर सचिव

New Delhi, the 24th July, 1992

S.O. 2127.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employers' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st Augusts 92 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Section 77, 78 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising the revenue villages of Ninnakkarai, Peramanur, Potheri, Kattankolathur, Kalivanthapattu, Kilakkaranai, Thirukatchur, Ayyancheri, Kilamparakam and Sengundram in Maraimalai Nagar and Karaaipuducheri, Kayarambadu, Kannivakkam, Prodopakkam Sathankuppam (Pudupakkam) Vallancheri, Mambakkam and Guduvancheri in Chengal, pattu Taluk in Chengal-pattu MGR District.”

[No. S-38013/15/92-SS.I]

J. P. SHUKLA. Under Secy.

नई दिल्ली, 24 जुलाई, 1992

का० घा० 2128.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 15 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय दूतावास, रियाद (साऊदी अरेबिया) में द्वितीय सचिव (धर्म) श्री अनिल कुमार आनन्द, को सक्षम प्राधिकारी की शक्तियों का प्रयोग करने तथा उन नियोजकों, जो उस देश में रोजगार के लिये किसी भारतीय नागरिक की भर्ती के प्रयोजनार्थ भारतीय नागरिक नहीं हैं, को परमिट जारी करने के लिये प्राधिकृत करती है।

[संख्या ए-22020/1/91--उत्प्रवास]

जी० के० भट्टाचार्य, उत्प्रवास महासंरक्षी तथा संयुक्त सचिव

New Delhi, the 24th July, 1992

S.O. 2128.—In exercise of the powers conferred by sub-section (2) of section 15 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Anil Kumar Anand, Second Secretary (Labour) in the Embassy of India, Riyadh to exercise the powers of competent authority and to sign the work permits to the employers, who are not citizens of India, for the purpose of recruiting any citizen of India for employment in that country.

[No. A-22020/1/91-Emig.II]

G. K. BHATTACHARYA,

Protector General of Emigrants and  
Joint Secy.

नई दिल्ली, 24 जुलाई, 1992

का० घा० 2129.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 15 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय दूतावास, आबूधाबी में कांसुली श्री किशोर रंजन विश्वास को सक्षम प्राधिकारी की शक्तियों का प्रयोग करने तथा उन नियोजकों, जो उस देश में रोजगार के लिये किसी भारतीय नागरिक की भर्ती के प्रयोजनार्थ भारतीय नागरिक नहीं हैं, को परमिट जारी करने के लिये प्राधिकृत करती है।

[संख्या ए-22020/1/91--उत्प्रवास]

जी० के० भट्टाचार्य, उत्प्रवास महासंरक्षी तथा संयुक्त सचिव,

New Delhi, the 24th July, 1992

S.O. 2129.—In exercise of the powers conferred by sub-section (2) of Section 15 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Kishore Ranjan Biswas, Counselor in the Embassy of India, Abu Dhabi to exercise the powers of Competent Authority and issue permit to employers who are not citizens of India for the purpose of recruiting any citizen of India for employment in that country.

[No. A-22020/1/91-Emig.]

G. K. BHATTACHARYA,

Protector General of Emigrants and  
Jt. Secy.

